

State of Iowa
1996

JOURNAL OF THE HOUSE

1996
REGULAR SESSION
SEVENTY-SIXTH
GENERAL ASSEMBLY

Convened January 8, 1996
Adjourned May 1, 1996

Volume II
April 4—May 1, 1996

TERRY E. BRANSTAD, Governor
RON J. CORBETT, Speaker of the House
LEONARD L. BOSWELL, President of the Senate

Published by the
STATE OF IOWA
Des Moines

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day – Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 4, 1996

The House met pursuant to adjournment at 9:30 a.m., Speaker Corbett in the chair.

Prayer was offered by Susan Bruckshaw, Executive Secretary to the Speaker.

The Journal of Wednesday, April 3, 1996 was approved.

INTRODUCTION OF BILLS

House File 2494, by committee on ways and means, a bill for an act authorizing counties to impose additional civil court fees for use for county courthouse libraries.

Read first time and placed on the **ways and means calendar**.

House File 2495, by committee on ways and means, a bill for an act relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2190, a bill for an act relating to the publication of certain notices, ordinances, and amendments by the superintendent of printing.

Also: That the Senate has on April 3, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2433, a bill for an act relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future markets for waste tires, providing for the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal.

Also: That the Senate has on April 3, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2324, a bill for an act relating to public assistance and certain associated state tax provisions involving the family investment program, family development and self-sufficiency council, individual development accounts, and fraudulent practices involving the food stamp program, making penalties applicable, and providing applicability provisions and effective dates.

Also: That the Senate has on April 3, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2372, a bill for an act relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property.

Also: That the Senate has on April 3, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2458, a bill for an act relating to the establishment of the rebuild Iowa financing program and a revolving loan fund, and authorizing the Iowa finance authority to issue bonds and lend the proceeds to certain political subdivisions to finance infrastructure projects.

Also: That the Senate has on April 3, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2464, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this Fourth day of April, 1996: House Files 2113, 2140 and 2308.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

AUDITOR OF STATE
Lottery Division

The Audit Report for the period ending December 31, 1995, pursuant to Chapter 99.E20(3), Code of Iowa.

HEALTH REFORM TRANSITION TEAM

A Final Report, pursuant to Chapter 212.5, 1995 Acts of the Seventy-sixth General Assembly.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificate of recognition has been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1996\417 Marie Brandt, Cedar Rapids – For celebrating her One hundredth birthday.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2077**

Ways and Means: Renken, Chair; Larkin and Main.

Senate File 2351

Ways and Means: Larson, Chair; Drake and Jochum.

Senate File 2357

Ways and Means: Main, Chair; Dinkla and Larkin.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 752**

Ways and Means: Lamberti, Chair; Shoultz and Teig.

AMENDMENT FILED**H-5864****S.F.****2245****Larkin of Lee**

On motion by Van Maanen of Marion, the House adjourned at 9:35 a.m., until 1:00 p.m., Monday, April 8, 1996.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day – Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 8, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Father Robert McClintock, St. Thomas Catholic Church, Manson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Soaring Eagles 4-H Club of the Des Moines Metro area. They were accompanied by Mrs. Grimes and Mrs Rozycki.

The Journal of Thursday, April 4, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bradley of Clinton, for the afternoon and Tuesday, April 9, 1996, Salton of Palo Alto, until his return, both on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILL

House Joint Resolution 2005, by Siegrist and Schrader, a joint resolution recognizing the fossil crinoid as the state fossil.

Read first time and referred to committee on **state government**.

SENATE MESSAGES CONSIDERED

Senate File 2372, by committee on local government, a bill for an act relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property.

Read first time and **passed on file**.

Senate File 2458, by committee on appropriations, a bill for an act relating to the establishment of the rebuild Iowa financing program and a revolving loan fund, and authorizing the Iowa finance authority to issue bonds and lend the proceeds to certain political subdivisions to finance infrastructure projects.

Read first time and referred to committee on **appropriations**.

Senate File 2464, by committee on appropriations, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date.

Read first time and referred to committee on **appropriations**.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **House File 2349**, a bill for an act relating to voting, the distribution of earnings, and the bylaws of a cooperative association, previously deferred and placed on the unfinished business calendar.

SENATE FILE 2283 SUBSTITUTED FOR HOUSE FILE 2349

Nutt of Woodbury asked and received unanimous consent to substitute Senate File 2283 for House File 2349.

Senate File 2283, a bill for an act relating to voting, the distribution of earnings, and the bylaws of a cooperative association, was taken up for consideration.

Nutt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2283)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz

Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley Ollie Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2349 WITHDRAWN

Nutt of Woodbury asked and received unanimous consent to withdraw House File 2349 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Corbett, until his return, on request of Siegrist of Pottawattamie.

Ways and Means Calendar

House File 2488, a bill for an act relating to special census certification and providing an effective date, was taken up for consideration.

Dinkla of Guthrie offered the following amendment H-5835 filed by him and moved its adoption:

H-5835

- 1 Amend House File 2488 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "filed" the following: "by the governing body of the
- 4 city".

Amendment H-5835 was adopted.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Osterhaus	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, 1:

Rants

Absent or not voting, 4:

Bradley	Corbett, Spkr.	Ollie	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF HOUSE RESOLUTION 106

Rants of Woodbury called up for consideration, House Resolution 106, a resolution relating to an annual budget for the daily operations of the House of Representatives.

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House resumed session at 2:55 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Schrader of Marion.

On motion by Rants of Woodbury, the resolution was adopted.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2488** and **Senate File 2283**.

Ways and Means Calendar

House File 2422, a bill for an act relating to state sales and services tax certificates issued to state and county fairs, was taken up for consideration.

Halvorson of Clayton offered the following amendment H-5438 filed by Disney of Polk and moved its adoption:

H-5438

- 1 Amend House File 2422 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 422.45, Code Supplement 1995,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 50. The gross receipts from sales
- 7 or services rendered, furnished, or performed by the
- 8 state fair organized under chapter 173 or a fair
- 9 society organized under chapter 174."
- 10 2. Title page, line 2, by striking the words
- 11 "certificates issued to" and inserting the following:
- 12 "for sales or services rendered, furnished, or
- 13 performed by".

Amendment H-5438 was adopted.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2422)

The ayes were, 94:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn

Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Hurléy	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Baker	Bradley	Eddie	Holveck
Houser	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 123

Rants of Woodbury called up for consideration House Concurrent Resolution 123, a concurrent resolution to approve and confirm the appointment of the citizens' aide, and moved its adoption.

A non-record roll call was requested.

The ayes were 58, nays none.

The motion prevailed and the resolution was adopted.

Ways and Means Calendar

House File 2491, a bill for an act relating to the care and maintenance of pioneer cemeteries and authorizing a tax levy, was taken up for consideration.

Disney of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2491)

The ayes were, 94:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Baker	Bradley	Eddie	Holveck
Houser	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2158**, a bill for an act relating to textbooks, previously deferred and placed on the unfinished business calendar.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-5504 filed by him on March 20, 1996.

Grubbs of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2158)

The ayes were, 96:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Baker	Bradley	Holveck	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2294**, a bill for an act creating multidisciplinary community services teams and providing a penalty, previously deferred and placed on the unfinished business calendar.

Mundie of Webster offered the following amendment H-5847 filed by him and moved its adoption:

H-5847

- 1 Amend Senate File 2294, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "assistance," the following: "education, law
- 5 enforcement,".

Amendment H-5847 adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2294)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Baker	Bradley	Greig	Hölveck
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2422, 2491, House Concurrent Resolution 123; Senate Files 2158 and 2294.**

SENATE AMENDMENT CONSIDERED

Vande Hoef of Osceola called up for consideration **House File 2256**, a bill for an act providing requirements for implementation of new or revised federal block grant provisions which affect local governments and providing an effective date and applicability provision, amended by the Senate, and moved that the House concur in the following Senate amendment H-5812:

H-5812

1 Amend House File 2256, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Sec. ____ Section 8.41, Code 1995, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 3. a. If, in any federal fiscal
8 year, the federal government provides for a block
9 grant which requires a new or revised program than was
10 required in the prior fiscal year, each state agency
11 required to administer the block grant program shall
12 develop a block grant plan detailing program changes.

13 b. To the extent allowed by federal law, the block
14 grant plan shall be developed in accordance with the
15 following:

16 (1) The primary goal of the plan shall be to
17 attain savings for taxpayers and to avoid shifting
18 costs from the federal government to state and local
19 governments.

20 (2) State agency planning meetings shall be held
21 jointly with officials of the affected political
22 subdivision and affected members of the public.

23 (3) The plan shall address proposed expenditures
24 and accountability measures and shall be published so
25 as to provide reasonable opportunity for public review
26 and comment.

27 (4) (a) Preference shall be given to any existing
28 service delivery system capable of delivering the
29 required service. If an existing service delivery
30 system is not used, the plan shall identify those
31 existing delivery systems which were considered and
32 the reasons those systems were rejected. This
33 subparagraph subdivision applies to any service
34 delivered pursuant to a federal block grant,
35 including, but not limited to any of the following
36 block grant areas: health, human services, education,
37 employment, community and economic development, and
38 criminal justice.

39 (b) If a service delivered pursuant to a federal
40 block grant and implemented by a political subdivision
41 was previously provided for by a categorical grant,

42 the state agency shall allow the political subdivision
 43 adequate transition time to accommodate related
 44 changes in federal and state policy. Transition
 45 activities may include, but are not limited to,
 46 revision of the political subdivision's laws, budgets,
 47 and administrative procedures.
 48 (c) The state agency shall allow the political
 49 subdivision the flexibility to implement a service in
 50 a manner so as to address identifiable needs within

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1 the context of meeting broad national objectives.
 2 (5) State administrative costs shall not exceed
 3 the limits allowed for under the federal law enacting
 4 the block grant.
 5 (6) A federal mandate that is eliminated or waived
 6 for the state shall be eliminated or waived for a
 7 political subdivision.
 8 (7) Federal block grants shall not be used to
 9 supplant existing funding efforts by the state.
 10 c. The state agency shall send copies of the
 11 proposed block grant plan to the legislative fiscal
 12 committee and to the appropriate appropriations
 13 subcommittee chairpersons and ranking members of the
 14 general assembly. The plan and any program changes
 15 contained within the plan shall be adopted as rules in
 16 accordance with chapter 17A.
 17 Sec. 2. EFFECTIVE DATE — APPLICABILITY. This
 18 Act, being deemed of immediate importance, takes
 19 effect upon enactment and applies to new or revised
 20 federal block grant provisions which take effect on or
 21 after the effective date of this Act."

The motion prevailed and the House concurred in the Senate amend-
 ment H-5812.

Vande Hoef of Osceola moved that the bill, as amended by the Sen-
 ate and concurred in by the House, be read a last time now and placed
 upon its passage which motion prevailed and the bill was read a last
 time.

On the question "Shall the bill pass?" (H.F. 2256)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie

Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Bradley	Holveck	Houser	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2201**, a bill for an act relating to the open enrollment application and implementation process, previously deferred and placed on the unfinished business calendar.

Grundberg of Polk offered the following amendment H-5544 filed by her and moved its adoption:

H-5544

- 1 Amend Senate File 2201, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word
- 4 "February" and inserting the following: "January".
- 5 2. Page 1, line 13, by striking the word
- 6 "February" and inserting the following: "January".
- 7 3. Page 1, line 28, by striking the word "March"
- 8 and inserting the following: "February".
- 9 4. Page 1, line 35, by striking the word "April"
- 10 and inserting the following: "March".
- 11 5. Page 2, line 14, by striking the word
- 12 "February" and inserting the following: "January".

Amendment H-5544 was adopted.

Gries of Crawford offered the following amendment H-5849 filed by him and moved its adoption:

H-5849

- 1 Amend Senate File 2201, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by inserting after line 1 the
- 4 following:
- 5 "Sec. ____ INSTRUCTIONAL SUPPORT FOR REORGANIZED
- 6 SCHOOL DISTRICTS. Notwithstanding section 257.18,
- 7 subsection 3, and section 257.27, a school district
- 8 participating in an instructional support program on
- 9 or after July 1, 1995, which reorganizes effective
- 10 July 1, 1996, may continue to participate in the
- 11 instructional support program for the budget year
- 12 beginning July 1, 1996. The percent of income surtax
- 13 imposed for the budget year beginning July 1, 1996, by
- 14 the board of directors of the school district that
- 15 reorganizes effective July 1, 1996, shall not exceed
- 16 seventeen percent."
- 17 2. Title page, line 2, by inserting after the
- 18 word "process" the following: "and to instructional
- 19 support for reorganized school districts".

Amendment H-5849 was adopted.

Gries of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2201)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz

Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 4:

Fallon	Harper	Kreiman	Shoultz
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Absent or not voting, 3:

Bradley	Holveck	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House resumed consideration of **House File 2424**, a bill for an act relating to a continuing appropriation for public improvements, previously deferred and placed on the unfinished business calendar.

SENATE FILE 2131 SUBSTITUTED FOR HOUSE FILE 2424

Disney of Polk asked and received unanimous consent to substitute Senate File 2131 for House File 2424.

Senate File 2131, a bill for an act relating to a continuing appropriation for city public improvements, was taken up for consideration.

Disney of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2131)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl

Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Bradley	Churchill	Holveck	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2424 WITHDRAWN

Disney of Polk asked and received unanimous consent to withdraw House File 2424 from further consideration by the House.

The House resumed consideration of **Senate File 2303**, a bill for an act relating to the medical assistance program including provisions relating to personal liability of personal representatives of medical assistance recipients, nursing facility fines, and transfers of assets, previously deferred and placed on the unfinished business calendar.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2303)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brammer
Brand	Branstad	Brauns	Brunkhorst

Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Bradley	Holveck	Salton	Van Fossen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Carroll of Poweshiek called up for consideration **House File 419**, a bill for an act providing for class "C" area service system roads and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-5566:

H-5566

- 1 Amend House File 419, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 8 through 16 and
- 4 inserting the following:
- 5 "A road with an area service "C" classification
- 6 shall retain the classification until such time as a
- 7 petition for reclassification is submitted to the
- 8 board of supervisors. The petition shall be signed by

9 adjoining landowners. The board of supervisors shall
 10 approve or deny the request for reclassification
 11 within sixty days of receipt of the petition."

The motion prevailed and the House concurred in the Senate amendment H-5566.

Carroll of Poweshiek moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 419)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley	Hanson	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Nelson of Marshall called up for consideration **House File 2462**, a bill for an act relating to public access to motor vehicle records and providing a conditional repeal and an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5650:

H-5650

1 Amend House File 2462, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 26 the
 4 following:
 5 "Notwithstanding other provisions of this section
 6 to the contrary, the department shall not release
 7 personal information to a person, other than to an
 8 officer or employee of a law enforcement agency, if
 9 the information is requested by the presentation of a
 10 registration plate number. However, a law enforcement
 11 agency may release the name, address, and telephone
 12 number of a motor vehicle registrant to a person
 13 requesting the information by the presentation of a
 14 registration plate number if the law enforcement
 15 agency believes that the information is necessary to
 16 prevent an unlawful act. A person seeking the
 17 information shall state in writing the nature of the
 18 unlawful act that the person is attempting to
 19 prevent."

The motion prevailed and the House concurred in the Senate amendment H-5650.

Nelson of Marshall moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2462)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl

Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Boddicker Bradley Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 419, 2256, 2462; Senate Files 2131, 2201 and 2303.**

Gipp of Winneshiek called up for consideration **House File 2449**, a bill for an act setting campaign contribution limits by persons and political committees, addressing independent expenditures on behalf of candidates, employee and member contributions, making penalties applicable, and providing an effective date, amended by the Senate amendment H-5721 as follows:

H-5721

- 1 Amend House File 2449, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Sections 2 through 8 of this Act are
6 created as a new division of chapter 56.

7 Sec. 2. NEW SECTION. 56.31 DEFINITIONS.

8 As used in this division, unless the context
9 requires otherwise:

10 1. "Advocacy information" is material published or
11 broadcast which discusses public issues, candidates,
12 or voting records from which a reasonable person could
13 draw a fair inference that the material recommends the
14 defeat or election of an identifiable candidate in a
15 restricted campaign.

16 2. "Benefited candidate" means a candidate in a
17 restricted campaign whose election is recommended or
18 whose opponent's defeat is recommended by advocacy
19 information or by the fair inferences drawn from the
20 advocacy information by a reasonable person as
21 determined by the board.

22 3. "Eligible office" means the offices of state
23 representative, state senator, secretary of
24 agriculture, secretary of state, treasurer of state,
25 auditor of state, attorney general, and governor. The
26 office of lieutenant governor shall not be considered
27 a separate eligible office but shall be considered
28 with the office of governor for purposes of this
29 division.

30 4. "Political action committee" means any
31 political committee except a county statutory
32 political committee, a state statutory political
33 committee, a national political party, or a nonparty
34 political organization under chapter 44.

35 5. "Qualifying nomination" means a nomination by a
36 political party as defined by section 43.2, or a
37 nomination under chapter 44 or 45.

38 6. "Restricted campaign" means a campaign for an
39 eligible office in which there are two or more
40 candidates with qualifying nominations and all of
41 those candidates have registered with the board and
42 voluntarily agreed to limit campaign expenditures and
43 contributions pursuant to section 56.33.

44 Sec. 3. NEW SECTION. 56.32 REGISTRATION FOR A
45 RESTRICTED CAMPAIGN.

46 Each candidate for an eligible office shall
47 register with the board and shall indicate whether the
48 candidate voluntarily agrees to limit campaign
49 expenditures and contributions in a restricted
50 campaign prior to or with the filing of nomination

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1 papers pursuant to chapter 43, 44, or 45.
2 Notwithstanding section 43.20, the nomination
3 petition of a candidate who does not agree to a
4 restricted campaign must contain signatures of at
5 least twenty percent of the total number of votes cast
6 in the last general election for that office. A
7 candidate nominated pursuant to section 43.66 who does
8 not agree to a restricted campaign must file a
9 nomination petition within fifteen days of nomination
10 containing signatures of at least twenty percent of
11 the total number of votes cast in the last general
12 election for that office in order to be placed on the
13 general election ballot. A candidate who agrees to a
14 restricted campaign and whose opponent does not agree
15 to a restricted campaign is not required to obtain
16 signatures under this section, is not subject to the
17 limitations on campaign expenditures or contributions
18 imposed in this division, but shall be considered as a
19 candidate who agreed to a restricted campaign for all
20 other purposes of this following division.
21 Notwithstanding the dates required for filing
22 disclosure reports pursuant to section 56.6, a
23 candidate who does not agree to a restricted campaign
24 pursuant to this section shall file a disclosure
25 report each month until June 30 of the year of the
26 election. Beginning July 1 of the year of the
27 election, the candidate shall file a disclosure report
28 every fourteen days until the date of the general
29 election. After the date of election, the candidate
30 shall file a disclosure report each month until the
31 candidate files nomination papers for the same or
32 another public office, or closes the candidate's
33 campaign account.
34 The commissioner required to publish notice of the
35 election and the ballot pursuant to section 49.53
36 shall, simultaneously with such publication, publish
37 the names of candidates who agree and do not agree to
38 a restricted campaign using the following language
39 where applicable: "These candidates refused to limit
40 their campaign spending."; or "These candidates
41 voluntarily agreed to limit their campaign spending."
42 Sec. 4. NEW SECTION. 56.33 RESTRICTED CAMPAIGNS
43 — LIMITS ON EXPENDITURES:
44 If a restricted campaign exists, the candidate's
45 committees of those candidates with qualifying
46 nominations to that eligible office are subject to the
47 following limits on expenditures:
48 1. Governor. Total expenditure limit, five
49 hundred thousand dollars in a primary election if
50 there is no primary opponent, one million dollars in a

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1 primary election if there is a primary opponent, and
2 one million five hundred thousand dollars in a general
3 election.

4 2. Attorney general, secretary of agriculture,
5 secretary of state, treasurer of state, and auditor of
6 state. Total expenditure limit, fifty thousand
7 dollars in a primary election if there is no primary
8 opponent, one hundred thousand dollars in a primary
9 election if there is a primary opponent, and one
10 hundred thousand dollars in a general election.

11 3. State senator. Total expenditure limit, ten
12 thousand dollars in a primary election if there is no
13 primary opponent, twenty-five thousand dollars in a
14 primary election if there is a primary opponent, and
15 twenty-five thousand dollars in a general election.

16 4. State representative. Total expenditure limit,
17 five thousand dollars in a primary election if there
18 is no primary opponent, fifteen thousand dollars in a
19 primary election if there is a primary opponent, and
20 fifteen thousand dollars in a general election.

21 For purposes of this division, an expenditure
22 occurs at the time of performance and not at the time
23 of payment.

24 Actions involving an expenditure taken on behalf of
25 a candidate in a restricted campaign shall be
26 accepted, reported, and credited against the limits of
27 this section, or disavowed pursuant to section 56.13.
28 Actions taken by a county or state statutory political
29 committee or a national political party which benefit
30 the political party generally and which benefit more
31 than one candidate shall not be considered as
32 expenditures under this division.

33 The board shall, by July 1 in each odd-numbered
34 year, adjust the limitations on expenditures to
35 reflect any increase in the consumer price index as
36 released by the federal government.

37 Sec. 5. NEW SECTION. 56.34 PERIODS THE
38 EXPENDITURE LIMITS ARE IN EFFECT.

39 If a restricted campaign exists, the limitations of
40 section 56.33 apply to expenses incurred during the
41 following periods:

42 1. During an even-numbered year, from the date the
43 candidate or the candidate's treasurer files a
44 statement of organization as required by section 56.5,
45 or from the date the candidate or the candidate's
46 designee files an affidavit of candidacy with the
47 state commissioner of elections, whichever date is
48 earlier, through the date of the general election for
49 that office.

50 2. During a special election, from the date the

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1 candidate or the candidate's treasurer files a
2 statement of organization as required by section 56.5,
3 or from the date the candidate or the candidate's
4 designee files an affidavit of candidacy with the
5 state commissioner of elections, whichever date is
6 earlier, through the date of the special election for
7 that office.

8 Sec. 6. NEW SECTION. 56.35 ADJUSTMENTS FOR
9 BENEFITED CANDIDATES AND OPPONENTS.

10 1. A person or political committee which causes
11 the publication, mass mailing, or broadcast of
12 advocacy information in a restricted campaign shall
13 give notice to the board and to the benefited
14 candidate. The notice shall be given by certified
15 restricted mail within twenty-four hours after the
16 publication, mailing, or broadcast of the advocacy
17 information and be accompanied by the text of the
18 advocacy information and the amount of the
19 publication, mailing, or broadcasting expenditures.
20 2. The benefited candidate shall notify the board
21 within seventy-two hours of receipt of notice given
22 pursuant to subsection 1 whether the candidate accepts
23 or disavows the expenditure. If the candidate accepts
24 the expenditure, the anticipated expenditure shall be
25 credited against the candidate's expenditure limit.
26 If the candidate files a statement of disavowal, the
27 board shall forward a copy of the statement to the
28 candidate's opponent.

29 3. For the purposes of this section, the board
30 shall disregard the first five hundred dollars of
31 aggregate disavowed expenditures regarding a benefited
32 candidate for the general assembly, the first one
33 thousand dollars of aggregate disavowed expenditures
34 regarding a benefited candidate for a statewide office
35 other than governor, and the first five thousand
36 dollars of aggregate disavowed expenditures regarding
37 a benefited candidate for governor. If the aggregate
38 disavowed expenditures regarding a benefited candidate
39 exceed the amounts provided in this section, the board
40 shall determine if a reasonable person would or would
41 not draw a fair inference that the material assists
42 the election of the benefited candidate or the defeat
43 of an opposing candidate. If the board determines
44 that a candidate is benefited, the board shall
45 attribute the disavowed expenditure to the expenditure
46 limits of the benefited candidate and shall do one of
47 the following: increase the benefited candidate's
48 opponent's expenditure limits by the amount of the
49 disavowed expenditures attributed to the benefited
50 candidate or eliminate the expenditure limit of the

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1 benefited candidate's opponent for that election
2 period.

3 4. The board by rule may delegate decisions under
4 subsection 3 to a panel of three members of the board.
5 If delegated, the decisions of the panel constitute
6 final agency action for the purposes of chapter 17A.
7 Notwithstanding section 17A.19, a petition for
8 judicial review of a decision under this section shall
9 be filed only in Polk county district court, the court
10 shall not stay the increase or elimination of the
11 limits for the candidates opposing the benefited
12 candidate pending the outcome of the judicial review
13 proceeding, the petitioner has only two days after
14 filing to provide notice or copies to the other
15 parties, and the proceeding shall receive the highest
16 priority among the cases before the district court.

17 The decisions under subsection 3 shall be made
18 within two days of the board's receipt of the
19 benefited candidate's disavowal and the benefited
20 candidate and opponents shall be promptly notified.

21 Advocacy information caused by a county or state
22 statutory political committee or a national political
23 party which benefits the political party generally and
24 which benefit more than one candidate are not subject
25 to the requirements of this section.

26 Sec. 7. NEW SECTION. 56.36 RESTRICTED CAMPAIGNS
27 — LIMITS ON ACCEPTANCE OF CONTRIBUTIONS.

28 If a restricted campaign exists, the acceptance of
29 contributions by candidates for the following offices
30 from political action committees and individuals is
31 subject to the following limitations:

32 1. Governor.

33 a. Total political action committee contributions,
34 thirty-five percent of the candidate's applicable
35 expenditure limit in a primary election, and thirty-
36 five percent of the candidate's expenditure limit in a
37 general election.

38 b. Largest political action committee
39 contribution, five thousand dollars.

40 c. Largest individual contribution, excluding
41 contributions made by a candidate to the candidate's
42 own campaign, one thousand dollars.

43 2. Attorney general, secretary of agriculture,
44 secretary of state, treasurer of state, and auditor of
45 state.

46 a. Total political action committee contributions,
47 thirty-five percent of the candidate's applicable
48 expenditure limit in a primary election, and thirty-
49 five percent of the candidate's expenditure limit in a
50 general election.

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- 1 b. Largest political action committee
- 2 contribution, five thousand dollars.
- 3 c. Largest individual contribution, excluding
- 4 contributions made by a candidate to the candidate's
- 5 own campaign, one thousand dollars.
- 6 3. State senator.
- 7 a. Total political action committee contributions,
- 8 thirty-five percent of the candidate's applicable
- 9 expenditure limit in a primary election, and thirty-
- 10 five percent of the candidate's expenditure limit in a
- 11 general election.
- 12 b. Largest political action committee
- 13 contribution, one thousand dollars.
- 14 c. Largest individual contribution, excluding
- 15 contributions made by a candidate to the candidate's
- 16 own campaign, five hundred dollars.
- 17 4. State representative.
- 18 a. Total political action committee contributions,
- 19 thirty-five percent of the candidate's applicable
- 20 expenditure limit in a primary election, and thirty-
- 21 five percent of the candidate's expenditure limit in a
- 22 general election.
- 23 b. Largest political action committee
- 24 contribution, one thousand dollars.
- 25 c. Largest individual contribution, excluding
- 26 contributions made by the candidate to the candidate's
- 27 own campaign, five hundred dollars.
- 28 5. Individual contributions to the candidate or
- 29 candidate's committee made by one individual of a
- 30 cumulative value of one hundred dollars or more shall
- 31 be reported, including the name, address, occupation,
- 32 and place of business of the contributor.
- 33 Sec. 8. NEW SECTION. 56.37 PENALTIES.
- 34 1. A candidate who voluntarily agrees to a
- 35 restricted campaign, and who exceeds the expenditure
- 36 or contribution limitations in this division, shall be
- 37 subject to a fine which is based on the percentage by
- 38 which the candidate exceeds permitted expenditures or
- 39 contributions, so that the candidate shall pay a
- 40 percentage of the excess campaign expenditures or
- 41 contributions as follows:
- 42 a. Governor. Under two thousand dollars, one
- 43 percent; two thousand to ten thousand dollars, ten
- 44 percent; ten thousand one to twenty thousand dollars;
- 45 twenty-five percent; over twenty thousand dollars,
- 46 fifty percent.
- 47 b. Attorney general, secretary of agriculture,
- 48 secretary of state, treasurer of state, and auditor of
- 49 state. Under one thousand dollars, one percent; one
- 50 thousand to five thousand dollars, ten percent; five

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1 thousand one to ten thousand dollars, twenty-five
2 percent; over ten thousand dollars, fifty percent.
3 c. State senator. Under five hundred dollars, one
4 percent; five hundred to one thousand dollars, ten
5 percent; one thousand one to five thousand dollars,
6 twenty-five percent; over five thousand dollars, fifty
7 percent.

8 d. State representative. Under two hundred fifty
9 dollars, one percent; two hundred fifty to five
10 hundred dollars, ten percent; five hundred one to two
11 thousand five hundred dollars, twenty-five percent;
12 over two thousand five hundred dollars, fifty percent.

13 Fines collected pursuant to this section shall be
14 paid to the state political party of the violating
15 candidate's opponent.

16 2. Mileage expenses of the candidate, at a rate
17 determined pursuant to section 2.10, are not subject
18 to the expenditure limits of section 56.33.

19 3. The criminal penalty of section 56.16 applies
20 to violations of this division.

21 4. A candidate who knowingly and intentionally
22 violates the expenditure or contribution limits of
23 section 56.33 or section 56.36 is, upon conviction,
24 guilty of a class "D" felony, but is only subject to a
25 fine and is not subject to imprisonment,
26 notwithstanding the provisions of section 902.9. A
27 candidate shall not take the oath of office pending
28 conviction or acquittal, following trial, on charges
29 brought under this subsection, and a candidate is
30 disqualified from holding office upon conviction
31 obtained pursuant to this subsection.

32 Sec. 9. Section 56.6, subsection 1, paragraphs c
33 and d, Code Supplement 1995, are amended to read as
34 follows:

35 c. A candidate's committee for a candidate for the
36 general assembly at a special election for which the
37 governor is required to give not less than forty days'
38 notice under section 69.14 shall file a report by the
39 fourteenth day prior to the special election which is
40 current through the nineteenth day prior to the
41 special election. A candidate's committee for a
42 candidate for the general assembly at a special
43 election for which the governor is required to give
44 not less than eighteen days' notice under section
45 69.14 shall file a report five days prior to the
46 election, that shall be current as of five days prior
47 to the filing deadline. Any report filed pursuant to
48 this paragraph shall be timely filed, or mailed
49 bearing a United States postal service postmark dated
50 on or before the due date.

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1 d. Committees The following committees shall file
2 their first reports five days prior to any election in
3 which the ballot contains the name of the candidate or
4 the local ballot issue which the committee supports or
5 opposes:

6 (1) A candidate's committee for municipal and
7 school elective offices and.

8 (2) A candidate's committee for a county elective
9 office at a special election.

10 (3) Political committees for local ballot issues
11 shall file their first reports five days prior to any
12 election in which the name of the candidate or the
13 local ballot issue which they support or oppose
14 appears on the printed ballot and.

15 These committees shall file their next report on
16 the first day of the month following the final
17 election in a calendar year in which the candidate's
18 name or the ballot issue appears on the ballot. A
19 committee supporting or opposing a candidate for a
20 municipal or school elective office or a local ballot
21 issue These committees shall also otherwise file
22 disclosure reports on the nineteenth day of January
23 and October of each year in which the candidate or
24 ballot issue does not appear on the ballot and on the
25 nineteenth day of January, May, and July of each year
26 in which the candidate or ballot issue appears on the
27 ballot, until the committee dissolves. These reports
28 However, a candidate's committee for a county elective
29 office at a special election shall file its regular
30 disclosure reports as provided in paragraph "a".

31 Any report filed pursuant to this lettered
32 paragraph shall be current to five days prior to the
33 filing deadline and are considered shall be timely
34 filed, if or mailed bearing a United States postal
35 service postmark on or before the due date.

36 Sec. 10. NEW SECTION. 56.38 ATTRIBUTION OF
37 SPECIFIC CONTRIBUTIONS.

38 When all general assembly members are invited to an
39 event registered with the board, the costs associated
40 with such an event shall be considered a contribution
41 under chapter 56, and not a gift under chapter 68B.
42 Event sponsors shall disclose the costs of the event
43 to the board, and the board shall attribute the
44 proportionate cost to each member of the general
45 assembly, who shall not be required to disclose
46 individually such contributions on the disclosure
47 forms filed with the board.

48 Sec. 11. Sections 12 through 16 of this Act are
49 created as a new division of chapter 56.

50 Sec. 12. NEW SECTION. 56.50 DEFINITIONS.

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1 For purposes of applying provisions in this
2 division, unless the context otherwise requires:

3 1. "Board" means the truth in campaign practices
4 board.

5 2. "Candidate" means a person who has taken
6 affirmative action to seek nomination or election to a
7 state legislative office or to the office of governor,
8 lieutenant governor, secretary of state, auditor of
9 state, treasurer of state, attorney general, or
10 secretary of agriculture.

11 3. "Candidate's committee" means a candidate's
12 committee as defined in section 56.2.

13 4. "Negative statement" means a statement which
14 attacks the record, reputation, or integrity of a
15 candidate or which attacks the reputation or integrity
16 of a member of a candidate's immediate family. For
17 purposes of this chapter, a candidate's spouse,
18 children, parents, and siblings are members of a
19 candidate's immediate family.

20 5. "Political organization" means an organization
21 which is not a political party but which meets the
22 criteria established under section 44.1 for nomination
23 of candidates.

24 6. "Political party" means a political party under
25 section 43.2.

26 7. "Statement" means a public written, electronic,
27 or oral communication which is made or transmitted by
28 any means. For purposes of this section, a
29 communication is public if it is made or transmitted
30 in a manner that can be reasonably expected to result
31 in the statement being heard, read, or viewed by
32 members of the general public.

33 Sec. 13. NEW SECTION. 56.51 STATEMENTS BY OR
34 ABOUT CANDIDATES.

35 1. A candidate shall not make or cause to be made
36 untruthful or deliberately misleading statements
37 regarding a candidate. For purposes of this section,
38 a statement shall be deemed to have been caused by a
39 candidate if it is made by a candidate's designated
40 spokesperson, if it is contained in materials produced
41 or paid for by the candidate's committee, or if it is
42 contained in materials imputed to a candidate under
43 section 56.13.

44 2. A person who is not a candidate shall not
45 knowingly make untruthful or deliberately misleading
46 statements about a candidate.

47 3. If a candidate or candidate's committee pays
48 for or sponsors an oral negative statement about a
49 candidate, the statement shall be stated by the
50 candidate. For purposes of this section, a statement

1 which is imputed to a candidate under section 56.13 is
2 not sponsored by a candidate or candidate's committee.
3 Sec. 14. NEW SECTION. 56.52 TRUTH IN CAMPAIGN
4 PRACTICES BOARD.

5 1. A three-member truth in campaign practices
6 board is established as an independent agency to
7 investigate, review, and determine the truthfulness or
8 deliberately misleading nature of statements made by
9 candidates, and other persons in support or opposition
10 of a candidate as well as to investigate negative
11 statements made about candidates. Members of the
12 board shall be appointed by the chief justice of the
13 supreme court. Two members of the board shall be
14 affiliated with one of the two political parties whose
15 candidates for president of the United States or for
16 governor, as the case may be, received the largest and
17 next largest number of votes at the last general
18 election but neither shall be affiliated with the same
19 political party. The other member shall not be
20 affiliated with a political party, but may be
21 affiliated with a political organization.

22 2. Members shall serve staggered four-year terms,
23 which shall begin at 12:01 a.m. on May 1 in the year
24 of appointment and end at 12:00 midnight on April 30
25 in the year of expiration. Any vacancy on the board
26 shall be filled by appointment for the unexpired
27 portion of the term, within ninety days of the vacancy
28 and in accordance with the procedures for regular
29 appointments. A member of the board may be
30 reappointed to serve additional terms on the board.
31 Members may be removed in the same manner as provided
32 in section 69.15 except that once a vacancy or
33 resignation occurs, the governor shall notify the
34 chief justice of the supreme court, who shall make
35 another appointment.

36 3. The board shall annually elect one member to
37 serve as the chairperson of the board and one member
38 to serve as vice chairperson. The vice chairperson
39 shall act as the chairperson in the absence or
40 disability of the chairperson, or in the event of a
41 vacancy in that office.

42 4. Members of the board shall receive a per diem
43 as specified in section 7E.6 while conducting business
44 of the board, and payment of actual and necessary
45 expenses incurred in the performance of their duties.
46 Members of the board shall file statements of
47 financial interest under section 68B.35.

48 5. The board shall employ a full-time executive
49 director who shall be the board's chief administrative
50 officer. The board shall employ or contract for the

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1 employment of legal counsel notwithstanding section
2 13.7, and may employ any other personnel as may be
3 necessary to carry out the duties of the board. The
4 board's legal counsel shall be the chief legal officer
5 of the board, and shall advise the board on all legal
6 matters relating to the administration of this
7 chapter. The state may be represented by the board's
8 legal counsel in any civil action regarding the
9 enforcement of this chapter or, at the board's
10 request, the state may be represented by the office of
11 the attorney general. Notwithstanding section 19A.3,
12 all of the board's employees, except for the executive
13 director and legal counsel, shall be employed subject
14 to the merit system provisions of chapter 19A.

15 Sec. 15. NEW SECTION. 56.53 DUTIES OF THE BOARD.

16 The duties of the board shall include, but are not
17 limited to, all of the following:

- 18 1. Adopt rules pursuant to chapter 17A and conduct
19 investigations and hearings pursuant to section 56.54
20 and chapter 17A, as necessary to carry out the
21 purposes of this chapter.
- 22 2. Adopt rules pursuant to chapter 17A
23 establishing standards for truthfulness and avoidance
24 of making deliberately misleading statements in
25 campaign advertising by candidates under this chapter
26 and requiring candidates to personally utter negative
27 statements about candidates if the statement is paid
28 for by the candidate or candidate's committee.
- 29 3. Develop, prescribe, and furnish any forms
30 necessary for the implementation of the procedures
31 contained in this chapter for the filing and hearing
32 of complaints or the issuance of advisory opinions.
- 33 4. Establish and impose penalties and any other
34 recommendations for punishment of persons who are
35 subject to penalties of or punishment by the board for
36 failure to comply with the requirements of this
37 chapter.
- 38 5. Determine, in case of dispute, at what time a
39 person has become a candidate.
- 40 6. Preserve copies of complaints, requests, and
41 other information filed with the board for a period of
42 at least five years from the date of receipt.
- 43 7. Establish a procedure for requesting and
44 issuing formal and informal board opinions to
45 candidates and representatives of political parties
46 and political organizations. Following advice
47 contained in a formal board opinion shall constitute a
48 defense to a complaint based upon the same facts and
49 circumstances which is filed with the board and which
50 alleges a violation of this chapter or rules of the

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1 board.

2 8. Establish a procedure for informing candidates
3 and other persons of the requirements of this chapter
4 and rules adopted by the board.

5 9. Establish fees, where necessary, to cover the
6 costs associated with preparing, printing, and
7 distributing materials to persons subject to the
8 authority of the board.

9 Sec. 16. NEW SECTION. 56.54 COMPLAINTS —
10 INVESTIGATIONS — HEARINGS.

11 1. A candidate, a representative of a candidate's
12 committee, or a representative of a political party or
13 political organization may file a complaint with the
14 board regarding the truthfulness or deliberately
15 misleading nature of any statement made or caused to
16 be made by a candidate or alleging that a candidate or
17 candidate's committee has paid for an oral negative
18 statement which was made by someone other than the
19 candidate. For purposes of this section, a statement
20 is caused to be made by a candidate if it is made by a
21 candidate's designated spokesperson, is contained in
22 materials produced or paid for by the candidate's
23 committee, as defined under chapter 56, or if it is
24 action or is a part of action which has been imputed
25 to the candidate under section 56.13.

26 2. A complaint shall include all of the following:

27 a. The name and address of the complainant.

28 b. If the allegation is that an untruthful or
29 deliberately misleading statement was made, a
30 recitation of the statement alleged to be untruthful
31 or deliberately misleading.

32 c. If the allegation is that a negative statement
33 was paid for or sponsored by a candidate or
34 candidate's committee and was made by a person other
35 than the candidate, a recitation of the negative
36 statement.

37 d. To the extent known, the time and place or
38 manner in which the statement was made.

39 e. If the statement complained of was made in
40 writing, a copy of the statement.

41 f. If the allegation is that an untruthful or
42 deliberately misleading statement was made, any
43 circumstances, other than the express language of the
44 statement, which cause the statement to be untruthful
45 or deliberately misleading.

46 g. The name and address, if known, of the
47 candidate or other person who made the statement.

48 h. If the allegation is that an untruthful or
49 deliberately misleading statement was made, a
50 statement of why or how the statement complained of is

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1 untruthful or deliberately misleading.

2 i. A certification by the complainant under
3 penalty of perjury that the facts stated to be true
4 are true to the best of the complainant's knowledge.

5 j. Any other relevant information or sources of
6 information.

7 3. The board staff and legal counsel shall review
8 the complaint to determine if the complaint is
9 sufficient as to form and legal substance. Deficiency
10 as to form shall not preclude consideration of a
11 complaint. If the complaint is legally deficient, the
12 complaint shall be returned to the complainant with a
13 statement of the deficiency and shall not be
14 considered by the board until the deficiency is cured.
15 A legally sufficient complaint must meet all of the
16 following requirements:

17 a. Facts must be alleged that would establish
18 either that a candidate made or caused to be made an
19 untruthful or deliberately misleading statement about
20 another opposing candidate or that a candidate caused
21 an oral negative statement to be made by someone other
22 than the candidate.

23 b. The person making the complaint must be a
24 candidate or a representative of a political party or
25 political organization.

26 c. If the allegation is that an untruthful or
27 deliberately misleading statement was made, the
28 complaint must indicate why or demonstrate how the
29 statement is untruthful or deliberately misleading.

30 d. The complaint must be filed within sixty days
31 from the date on which the statement that is
32 complained of was made.

33 4. Upon receiving a legally sufficient complaint,
34 the board shall investigate or cause the investigation
35 of the facts alleged in the complaint. Once the
36 investigation is completed, the board shall meet and
37 make a determination as to whether the statement
38 violates the requirements of this chapter or rules
39 adopted by the board. The meeting shall be conducted
40 in the manner provided for contested cases under
41 chapter 17A. However, a preponderance of evidence
42 shall be required to support a finding that a
43 statement is untruthful or deliberately misleading.
44 In addition to holding meetings at which two or more
45 members are physically present, meetings may be held
46 electronically as provided under section 21.8.
47 Notwithstanding section 21.4, subsection 2, public
48 notice of the meetings of the board shall be made at a
49 reasonable time before the meeting, but no later than
50 eight hours before the time set for the meeting to

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1 begin.

2 5. The board shall render its decision within
3 forty-eight hours of receiving a legally valid
4 complaint. If the forty-eight-hour period concludes
5 on a weekend or holiday, the decision shall be made by
6 the close of business hours on the next succeeding
7 business day. If the board finds that the statement
8 complained of was untruthful or deliberately
9 misleading or that an oral negative statement was made
10 by someone other than a candidate and was paid for by
11 the candidate or candidate's committee, the board's
12 decision shall include an order for any remedy, under
13 section 56A.6, that the board deems appropriate.

14 6. At any stage during the investigation or after
15 the filing of a complaint, the board may approve a
16 settlement regarding an allegedly untruthful or
17 deliberately misleading statement or negative
18 statement made by someone other than a candidate.
19 Terms of a settlement shall be reduced to writing and
20 be available for public inspection. In addition, the
21 board may authorize board staff to seek information in
22 voluntary compliance in routine matters brought to the
23 attention of the board or its staff.

24 7. A complaint shall be a public record. The
25 entire record of the board's action, including any
26 investigation, shall also be a public record.

27 Sec. 17. NEW SECTION. 56.55 REMEDIES.

28 1. If the board finds that a candidate or other
29 person has made or caused to be made an untruthful or
30 deliberately misleading statement, the board shall
31 require a retraction of the statement by any person
32 found to be responsible for making the statement or
33 causing the statement to be made, within a period of
34 time to be specified by the board, in the same manner
35 and at the same cost as the original statement. Any
36 retraction shall be approved by the board before it is
37 made public. The board shall inform the complainant
38 of any proposed retraction and permit the complainant
39 to submit comments prior to the board's decision on
40 approval or disapproval of the proposed language.

41 2. For any violations of this chapter or rules
42 adopted by the board, the board may impose one or more
43 of the following penalties:

44 a. Issue an order requiring the person to cease
45 and desist from the violation.

46 b. Issue an order requiring the violator to take
47 any remedial action deemed appropriate by the board.

48 c. Publicly reprimand the violator for violations
49 of this chapter or rules adopted by the board.

50 d. Issue an order requiring the violator to pay a

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1 civil penalty of not more than fifty thousand dollars
2 for each violation of this chapter or rules adopted by
3 the board.

4 3. If a person fails to comply with an order of
5 the board under this section, the board may petition
6 the district court for an order for enforcement of the
7 order of the board. Judicial enforcement of orders of
8 the board shall be sought in accordance with chapter
9 17A.

10 4. At any stage in a proceeding, the board may
11 refer the complaint and supporting information to the
12 attorney general or appropriate county attorney with a
13 recommendation for prosecution or enforcement of
14 criminal penalties.

15 Sec. 18. Section 56.13, subsection 1, unnumbered
16 paragraph 1, Code Supplement 1995, is amended to read
17 as follows:

18 Action involving a contribution or expenditure
19 which must be reported under this chapter and which is
20 taken by any person, candidate's committee or
21 political committee on behalf of a candidate, if known
22 and approved by the candidate, shall be deemed action
23 by the candidate and reported by the candidate's
24 committee. If a restricted campaign exists, the
25 action involving an expenditure or contribution which
26 must be reported under this chapter which is taken by
27 any person, candidate's committee, or political
28 committee on behalf of a candidate, if known and
29 approved by the candidate, shall be deemed action by
30 the candidate, shall be reported by the candidate's
31 committee, and shall be credited against the
32 candidate's expenditure or contribution limits
33 pursuant to section 56.33 or 56.36. It shall be
34 presumed that a candidate approves the action if the
35 candidate had knowledge of it and failed to file a
36 statement of disavowal with the ~~commissioner~~ or board
37 and take corrective action within seventy-two hours of
38 the action. A person, candidate's committee or
39 political committee taking such action independently
40 of that candidate's committee shall notify that
41 candidate's committee in writing within twenty-four
42 hours of taking the action. The notification shall
43 provide that candidate's committee with the cost of
44 the promotion at fair market value. A copy of the
45 notification shall be sent to the board. If a
46 candidate files a statement of disavowal, the board
47 shall forward a copy of the statement to the
48 candidate's opponent.

49 Sec. 19. Section 56.14, Code Supplement 1995, is
50 amended by adding the following new unnumbered

Page 16

1 paragraph:

2 NEW UNNUMBERED PARAGRAPH. In addition to the
3 identification required in this section, a candidate's
4 committee of a candidate who is not registered for a
5 restricted campaign pursuant to section 56.32 shall
6 include, on all printed material, a statement, equal
7 in size to the identification information, that the
8 candidate is not registered for a restricted campaign.
9 A similar disclaimer shall also be included, vocally,
10 in all radio and television commercials purchased on
11 behalf of the candidate. Candidates who have not
12 registered for a restricted campaign shall state the
13 following: "(name of candidate) refused to limit
14 campaign spending." The information required under
15 this paragraph may be included on materials and
16 commercials by a candidate who is registered for a
17 restricted campaign.

18 Sec. 20. Section 68B.32A, Code Supplement 1995, is
19 amended by adding the following new subsections:
20 NEW SUBSECTION. 15. Establish fees to cover the
21 costs associated with creating, maintaining, and
22 providing access to an electronic database of campaign
23 finance disclosure information. Payments received for
24 these costs shall be considered repayment receipts as
25 defined in section 8.2.

26 Sec. 21. ANTISEVERABILITY CLAUSE. Notwithstanding
27 section 4.12, if section 56.32, or section 56.35,
28 subsection 3 or 4, or section 56.37, subsection 3, or
29 the application thereof is invalid, this Act as a
30 whole shall be invalid.

31 Sec. 22. SEVERABILITY CLAUSE. Notwithstanding
32 other sections of this Act, if any of sections 11
33 through 17 of this Act, or the application of any of
34 those sections, is declared unconstitutional, the
35 invalidity shall not affect the provisions or
36 application of this Act which can be given effect
37 without the invalid provisions or application, and to
38 this end, sections 11 through 17 are severable from
39 this Act.

40 Sec. 23. EFFECTIVE DATE. This Act, except
41 sections 11 through 17, takes effect January 1, 1997.
42 Sections 11 through 17 of this Act, being deemed of
43 immediate importance, take effect upon enactment."

44 2. Title page, line 1, by inserting after the
45 word "contribution" the following: "and expenditure".

46 3. Title page, lines 1 through 3, by striking the
47 words "by persons and political committees, addressing
48 independent expenditures on behalf of candidates,
49 employee and member contributions,".

50 4. By renumbering as necessary.

Fallon of Polk offered the following amendment H-5806, to the Senate amendment H-5721 filed by him and moved its adoption:

H-5806

- 1 Amend the Senate amendment, H-5721, to House File
- 2 2449, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 8, by striking lines 36 through 47.
- 5 2. By renumbering as necessary.

Roll call was requested by Bernau of Story and Fallon of Polk.

On the question "Shall amendment H-5806, to the Senate amendment H-5721, be adopted?" (H.F. 2449)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Brammer
Brand	Brauns	Brunkhorst	Burnett
Carroll	Churchill	Cphoon	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 3:

Branstad	Cataldo	Renken
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Absent or not voting, 3:

Bradley	Connors	Salton
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Amendment H-5806 was adopted.

On motion by Gipp of Winneshiek, the House refused to concur in the Senate amendment H-5721, as amended.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2449** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2218**, a bill for an act relating to the community health management system by extending the date for implementation of phase I of the system, previously deferred and placed on the unfinished business calendar.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2218)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammit Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley

Main

Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2218** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Union, for the remainder of the day, on request of Siegrist of Pottawattamie.

The House resumed consideration of **Senate File 2114**, a bill for an act relating to the amount of prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for changes in the mandatory minimum terms of sentences to be served, providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a sentencing task force and a departmental study, and making other related changes, previously deferred and placed on the unfinished business calendar.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H-5538, filed by the committee on judiciary on March 25, 1996.

Grubbs of Scott offered amendment H-5860 filed by him as follows:

H-5860

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 25.
- 4 2. Page 2, line 10, by striking the words "a
- 5 forcible felony" and inserting the following: "the
- 6 following forcible felonies".
- 7 3. Page 2, line 12 by striking the word
- 8 "release." and inserting the following: "release:".
- 9 4. Page 2, by inserting after line 12 the
- 10 following:
- 11 "1. Murder in the second degree in violation of
- 12 section 707.3.
- 13 2. Sexual abuse in the second degree in violation

- 14 of section 709.3.
 15 3. Kidnapping in the second degree in violation of
 16 section 710.3.
 17 4. Robbery in the first or second degree in
 18 violation of section 711.2 or 711.3."
 19 5. By striking page 2, line 35, through page 3,
 20 line 12.
 21 6. Title page, by striking lines 2 through 5, and
 22 inserting the following: "convicted of certain
 23 forcible felonies, by limiting the reduction of
 24 sentence for certain forcible".
 25 7. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-5872, to amendment H-5860, filed by him and moved its adoption:

H-5872

- 1 Amend the amendment, H-5860, to Senate File 2114,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 3 the
 5 following:
 6 "_. Page 1, line 29, by inserting after the
 7 word "felony" the following: "under section 902.12."

Amendment H-5872 was adopted.

On motion by Grubbs of Scott, amendment H-5860, as amended, was adopted.

Grubbs of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2114)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer

Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Fallon

Absent or not voting, 3:

Bradley

Daggett

Salton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2114** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2208, a bill for an act relating to persons required to register with the sex offender registry and providing a penalty.

Also: That the Senate has on April 8, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2269, a bill for an act enhancing the penalties for a third or subsequent offense of domestic abuse assault.

Also: That the Senate has on April 8, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2420, a bill for an act relating to juvenile justice, including dispositional alternatives for juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction.

Also: That the Senate has on April 8, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2438, a bill for an act relating to the terminology used to describe persons with certain mental and physical condition.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the afternoon of April 8, 1996. Had I been present, I would have voted "aye" on House File 2488 and Senate File 2283.

BRADLEY of Clinton

I was necessarily absent from the House chamber on the afternoon of April 3, 1996. Had I been present, I would have voted "aye" on House File 2423 and Senate File 2409.

VAN FOSSEN of Scott

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Senate File 2448, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

ON THE PART OF THE HOUSE

JOSEPH KREMER, Chair
NORMAN MUNDIE
KEITH WEIGEL

ON THE PART OF THE SENATE

TOM FLYNN, Chair
NANCY BOETTGER
DICK DEARDEN
RANDAL GIANNETTO
WILMER RENSINK

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this fifth day of April, 1996: House File 2109.

Also: Presented to the Governor for his approval on this eighth day of April, 1996: House File 2316.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Reports adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2113, an act providing for a permanent registration plate for motor trucks and truck tractors licensed pursuant to multistate registration.

House File 2140, an act relating to the motor vehicle fuel tax law and providing effective and retroactive applicability dates.

House File 2308, an act relating to asbestos removal and encapsulation.

Senate File 2155, an act to adjust the jurisdictional amount for municipal infractions tried before a judge in district court.

Senate File 2165, an act relating to the hunting season for ungulates on a hunting preserve and providing an effective date.

Senate File 2167, an act relating to prohibiting the assault of a health care provider and providing penalties.

Senate File 2212, an act relating to the regulation of timber sales and surety bonds paid by timber buyers and providing an effective date.

Senate File 2213, an act relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

Senate File 2252, an act relating to the number and apportionment of district associate judges, and providing an effective date.

Senate File 2323, an act relating to pharmacy technician designation, registration and fees, delegation of duties, and disciplinary action.

Senate File 2367, an act providing for the payment of outdated invoices by the agency to which the goods or services were provided, and by the department of revenue and finance, and providing an effective date.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-three students from New Hartford-Dike High School, Dike, accompanied by Mike Williams and Bill Coyes. By Renken of Grundy.

Twenty-six students from Wellsburg-Steamboat Rock High School, Wellsburg, accompanied by Chris Eilbert. By Renken of Grundy and Sukup of Franklin.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\418 Dorothy and Walter Brown, LeClair – For celebrating their Fiftieth wedding anniversary.
- 1996\419 Pete Pohlmann, Bettendorf – For being selected as a 1996 Quad-City Times Quad-Citian of the Year.
- 1996\420 Mike Giudici, Davenport – For being selected as a 1996 Quad-City Times Quad-Citian of the Year.
- 1996\421 Woodrow Wilson Middle School, Sioux City – For receiving a FINE Foundation Recognition Award.
- 1996\422 Traci Stephens, Clarinda – For being selected to attend the 1996 National 4-H Conference.
- 1996\423 Cornelia and Robert Hoberg, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\424 Roosevelt Elementary School, Council Bluffs – For receiving a FINE Foundation Recognition Award.
- 1996\425 Lloyd Jones, Council Bluffs – For celebrating his Eightieth birthday.
- 1996\426 Earl Drummond, Council Bluffs – For celebrating his Eightieth birthday.
- 1996\427 Lee Adamson, Council Bluffs – For celebrating his Eightieth birthday.
- 1996\428 Katy James, Farragut – For being named Iowa's 1996-97 Future Homemakers of America State President.
- 1996\429 Phenix Elementary School, West Des Moines – For receiving a FINE Foundation Recognition Award.
- 1996\430 Ila McRoberts, Keokuk – For her thirty-nine years of teaching and dedicated service to the children of Keokuk.
- 1996\431 John Helwig, Keokuk – For his thirty years of teaching and dedicated service to the children of Keokuk.
- 1996\432 Carroll High School Speech and Drama Department, Carroll – For winning the 1996 State Individual Speech and Drama Championship.
- 1996\433 Barb Harrison, Keokuk – For her retirement from teaching after eighteen years of Service to the children of Keokuk.

- 1996\434 Chad Johnson, Farragut – For his outstanding activities in 4-H at the local and state level and for being a leader in school, church, and local activities.
- 1996\435 Mary and Don Dale, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1996\436 Donella and Chester Showers, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1996\437 Vivian and Holly Pearson, Humeston – For celebrating their Fiftieth wedding anniversary.
- 1996\438 Mr. and Mrs. Willard Oxenreider, Chariton – For celebrating their Sixtieth wedding anniversary.
- 1996\439 Charity Nebbe, Cedar Falls – For being voted the Iowa State University “Student Employee of the Year.”
- 1996\440 Justin George, Newton – For being named to the Class 4A 1996 Third All-State Boys Basketball Team. -
- 1996\441 Mary and George Gipe, Valeria – For celebrating their Fiftieth wedding anniversary.
- 1996\442 Emily Richards, Newton – For being a National Runner-Up in the Reading Is Fundamental National Reading Celebration.
- 1996\443 Irene and Samuel Sauer, Fremont – For celebrating their Seventieth wedding anniversary.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 753 Appropriations

Relating to the compensation and benefits for public officials and employees and making appropriations.

H.S.B. 754 Ways and Means

Relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees.

H.S.B. 755 Ways and Means

Changing the computation of the inflation factors used under the state individual income tax and providing effective and applicability date provisions.

H.S.B. 756 Ways and Means

Exempting from the state inheritance tax property, interest in property, and income passing to the father, mother, natural or adopted son

or daughter, stepchild, or grandchild of the decedent and providing an applicability date provision.

AMENDMENTS FILED

H—5865	S.F.	2157	Rants of Woodbury
H—5866	H.F.	2087	Nutt of Woodbury
H—5867	H.F.	2369	Martin of Scott
			Garman of Story
			Harrison of Scott
			Boddicker of Cedar
			Branstad of Winnebago
			Holveck of Polk
			Bogges of Taylor
H—5868	H.F.	2370	Nutt of Woodbury
H—5869	H.F.	2490	Weigel of Chickasaw
H—5870	H.F.	2490	Weigel of Chickasaw
H—5871	H.F.	2490	Weigel of Chickasaw
H—5873	S.F.	2420	Senate Amendment
H—5874	S.F.	2195	Brunkhorst of Bremer
H—5875	S.F.	2265	Kreiman of Davis
H—5876	S.F.	2344	Gipp of Winneshiek

On motion by Siegrist of Pottawattamie, the House adjourned at 5:34 p.m., until 8:45 a.m., Tuesday, April 9, 1996.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day – Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 9, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was sung by Caroline Ogle from the Luana Center of MFL Marmac School, Monona.

The Journal of Monday, April 8, 1996 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Gries of Crawford from six members of the Onawa City Council opposing any legislation that would restrict utilities from providing nonutility services.

By Gries of Crawford from twenty-four constituents opposing any legislation that would restrict utilities from providing nonutility services.

By Nelson of Pottawattamie from thirteen constituents opposing any legislation that would restrict utilities from providing nonutility services.

INTRODUCTION OF BILL

House File 2496, by committee on ways and means, a bill for an act relating to the financial and regulatory procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers, by eliminating the filing of late claims for property credits, by striking personal property tax credits of military veterans, by striking outdated property tax limitations, by amending tax sale procedures, by providing delinquency dates for property taxes, by providing for properly related matters, and by providing an applicability date and effective dates.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 511, a bill for an act relating to open-end credit pursuant to a credit card, including the permissible over-limit or delinquency charges, the offering of credit unemployment insurance, and the time requirements for making certain payments.

Also: That the Senate has on April 9, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2456, a bill for an act relating to the rights of victims of criminal acts.

Also: That the Senate has on April 8, 1996, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2140, a bill for an act increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date.

Also: That the Senate has on April 8, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2154, a bill for an act increasing the penalties for certain offenses involving methamphetamine.

Also: That the Senate has on April 8, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2381, a bill for an act relating to dependent adult abuse and providing penalties.

Also: That the Senate has on April 8, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2383, a bill for an act relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants.

Also: That the Senate has, on April 8, 1996, insisted on its amendment to Senate File 2449, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Palmer, Chair; the Senator from Tama, Senator Husak; the Senator from Henry, Senator Vilsack; the Senator from Ida, Senator Bennett; the Senator from Buena Vista, Senator Freeman.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2449)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2449: Halvorson of Clayton, Chair; Larson of Linn, Greig of Emmet, Bernau of Story and Myers of Johnson.

Speaker pro tempore Van Maanen of Marion in the chair at 8:55 a. m.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2171**, a bill for an act relating to public health administration, including the duties of the director of public health, primary care recruitment and retention, professional licensure, and health data, previously deferred and placed on the unfinished business calendar.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2171)

The ayes were, 95:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra

Warnstadt
Wise

Weidman
Witt

Weigel
Van Maanen,
Presiding

Welter

The nays were, none.

Absent or not voting, 5:

Bernau
Salton

Bradley

Brammer

Churchill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story, on request of Brand of Benton.

SENATE AMENDMENTS CONSIDERED

Brauns of Muscatine called up for consideration **House File 2419**, a bill for an act relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring sixty day property payments, requiring certain criteria be adopted by administrative rule, modifying certain damage disclosure statement requirements, providing for entry onto private property for sounding and drilling, exempting operators of trucks hauling cement from certain regulations, and relating to the disposal of abandoned vehicles, and providing for release of retained funds for public improvements, amended by the Senate amendment H-5756 as follows:

H-5756

- 1 Amend House File 2419, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 12 and inserting the
- 4 following: "facility, except that if the issue of
- 5 width was not addressed.".
- 6 2. Page 1, line 16, by inserting after the word
- 7 "agency" the following: "and the owner of the
- 8 facility".
- 9 3. Page 2, by striking lines 1 through 14.
- 10 4. Page 3, by striking line 14 and inserting the
- 11 following: "twenty rods one hundred fifty feet of the
- 12 dwelling house or within fifty feet of other buildings
- 13 on".
- 14 5. By striking page 3, line 16, through page 9,
- 15 line 3.
- 16 6. Page 9, by striking lines 27 through 32.
- 17 7. Title page, by striking lines 1 through 10 and

- 18 inserting the following: "An Act relating to
 19 transportation by granting the state department of
 20 transportation condemnation rights for utility
 21 facility replacement, requiring certain criteria be
 22 adopted by administrative rule, providing for entry
 23 onto private property for sounding and drilling, and
 24 providing for release of retained funds for public
 25 improvements."
 26 8. By renumbering, relettering, or redesignating
 27 and correcting internal references as necessary.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-5818, to the Senate amendment H-5756, filed by him on April 2, 1996.

Welter of Jones offered the following amendment H-5859, to the Senate amendment H-5756, filed by him and moved its adoption:

H-5859

- 1 Amend the Senate amendment, H-5756, to House File
 2 2419, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 14 and 15 and
 5 inserting the following:
 6 "_. By striking page 3, line 16, through page
 7 4, line 1."
 8 2. Page 1, line 23, by inserting after the word
 9 "drilling," the following: "relating to the process
 10 for disposal of abandoned vehicles."
 11 3. By renumbering as necessary.

Amendment H-5859 was adopted.

On motion of Brauns of Muscatine, the House concurred in the Senate amendment, H-5756, as amended.

Brauns of Muscatine moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2419)

The ayes were, 95:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries

Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Bernau	Bradley	Brammer	Churchill
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Nutt of Woodbury called up for consideration **House File 2370**, a bill for an act relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies, amended by the Senate amendment H-5621 as follows:

H-5621

- 1 Amend House File 2370, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "Sec. ____ Section 547.1, Code 1995, is amended to
- 6 read as follows:
- 7 547.1 USE OF TRADE NAME - VERIFIED STATEMENT
- 8 REQUIRED.
- 9 A person or copartnership shall not engage in or
- 10 conduct a business under a trade name, or an assumed
- 11 name of a character other than the true surname of
- 12 each person owning or having an interest in the
- 13 business, unless the person first records with the
- 14 county recorder of the county in which the business is

- 15 to be conducted a verified statement showing the name,
16 post office address, and residence address of each
17 person owning or having an interest in the business,
18 and the address where the business is to be conducted.
19 However, this provision does not apply to any
20 corporation or limited liability company incorporated
21 or organized in this state or any foreign corporation
22 or foreign limited liability company authorized to do
23 business in this state or doing business pursuant to
24 an exemption in chapter 490 or 490A."
25 2. Title page, line 3, by inserting after the
26 word "continued," the following: "use of trade names
27 by corporations and limited liability companies,".
28 3. By renumbering as necessary.

Nutt of Woodbury asked and received unanimous consent to withdraw amendment H-5858, to the Senate amendment H-5621, filed by him on April 3, 1996.

Nutt of Woodbury offered the following amendment H-5868, to the Senate amendment H-5621 filed by him and moved its adoption:

H-5868

- 1 Amend the Senate amendment, H-5621, to House File
2 2370 as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "3. Page 1, by inserting after line 8 the
7 following:
8 Sec. 3. Section 490.121, subsection 1, paragraph
9 a, Code 1995, is amended by striking the paragraph.
10 Sec. 3. Section 490.125, subsection 3, Code
11 1995, is amended to read as follows:
12 3. If the secretary of state refuses to file a
13 document, the secretary of state shall return it to
14 the domestic or foreign corporation or its
15 representative ~~within ten days after the document was~~
16 ~~received by the secretary of state,~~ together with a
17 brief, written explanation of the reason for the
18 refusal.
19 Sec. 3. Section 490.401, subsection 4,
20 unnumbered paragraph 1, Code 1995, is amended to read
21 as follows:
22 A corporation may use the name, including the
23 fictitious name, of another domestic or foreign
24 corporation that is used in this state if the other
25 corporation is incorporated or authorized to transact
26 business in this state and the proposed user
27 corporation ~~meets~~ submits documentation to the
28 satisfaction of the secretary of state establishing
29 one of the following conditions:

30 Sec. ____ Section 490.502, subsection 1,
31 paragraphs b and d, Code 1995, are amended by striking
32 the paragraphs.

33 Sec. ____ Section 490.503, Code 1995, is amended
34 to read as follows:

35 490.503 RESIGNATION OF REGISTERED AGENT.

36 1. A registered agent may resign the agent's
37 agency appointment by signing and delivering to the
38 secretary of state for filing the signed original and
39 ~~two exact or conformed copies of a statement of~~
40 resignation. The statement may include a statement
41 that the registered office is also discontinued. The
42 registered agent shall send a copy of the statement of
43 resignation by certified mail to the corporation at
44 its principal office and to the registered office, if
45 not discontinued. The registered agent shall certify
46 to the secretary of state that the copies have been
47 sent to the corporation, including the date the copies
48 were sent.

49 ~~2. After filing the statement the secretary of~~
50 ~~state shall mail one copy to the registered office, if~~

Page 2

1 ~~not discontinued, and the other copy to the~~
2 ~~corporation at its principal office.~~

3 ~~-3. 2. The agency appointment is terminated, and~~
4 ~~the registered office discontinued if so provided, on~~
5 ~~the thirty-first day after the date on which the~~
6 ~~statement was filed.~~

7 Sec. ____ Section 490.504, subsection 3, Code
8 1995, is amended by striking the subsection and
9 inserting in lieu thereof the following:

10 3. A corporation may be served pursuant to this
11 section, as provided in other provisions of this
12 chapter, or as provided in sections 617.3 through
13 617.6, unless the manner of service is otherwise
14 specifically provided for by statute.

15 Sec. ____ Section 490.902, Code 1995, is amended
16 to read as follows:

17 490.902 FOREIGN INSURANCE COMPANIES BECOMING
18 DOMESTIC.

19 The secretary of state, upon a corporation
20 complying with this section and upon the filing of
21 articles of incorporation and upon receipt of the fees
22 as provided in this chapter, shall issue ~~a certificate~~
23 ~~of incorporation~~ an acknowledgment of receipt of
24 document as of the date of the corporation's original
25 ~~incorporation in its state of original incorporation~~
26 filing of the articles of incorporation with the
27 secretary of state. ~~The certificate of incorporation~~
28 ~~acknowledgment of receipt of document~~ shall state on
29 its face that it is issued in accordance with this

30 section. ~~The secretary of state shall forward the~~
31 ~~articles as provided in this chapter to the county~~
32 ~~recorder where the principal place of business of the~~
33 ~~corporation is to be located.~~ The secretary of state
34 shall then notify the appropriate officer of the state
35 or country of the corporation's last domicile that the
36 corporation is now a domestic corporation domiciled in
37 this state. This section applies to life insurance
38 companies, and to insurance companies doing business
39 under chapter 515.

40 Sec. ____ Section 490.1420, subsection 1, Code
41 1995, is amended by striking the subsection.

42 Sec. ____ Section 490.1420, subsection 2, Code
43 1995, is amended to read as follows:

44 2. The corporation has not delivered an annual
45 report to the secretary of state in a form that meets
46 the requirements of section 490.1622, within sixty
47 days after it is due, or has not paid the filing fee
48 as provided in section 490.122, within sixty days
49 after it is due.

50 Sec. ____ Section 490.1421, Code 1995, is amended

Page 3

1 by adding the following new subsection:

2 NEW SUBSECTION. 5. The secretary of state's
3 administrative dissolution of a corporation pursuant
4 to this section appoints the secretary of state the
5 corporation's agent for service of process in any
6 proceeding based on a cause of action which arose
7 during the time the corporation was authorized to
8 transact business in this state. Service of process
9 on the secretary of state under this subsection is
10 service on the corporation. Upon receipt of process,
11 the secretary of state shall serve a copy of the
12 process on the corporation as provided in section
13 490.504. This subsection does not preclude service on
14 the corporation's registered agent, if any.

15 Sec. ____ Section 490.1422, subsection 1, Code
16 1995, is amended to read as follows:

17 1. A corporation administratively dissolved under
18 section 490.1421 may apply to the secretary of state
19 for reinstatement within two years after the effective
20 date of dissolution. The application must meet all of
21 the following requirements:

22 a. Recite the name of the corporation at its date
23 of dissolution and the effective date of its
24 administrative dissolution.

25 b. State that the ground or grounds for
26 dissolution ~~either did not exist or~~ have been
27 eliminated.

28 c. State a corporate name that satisfies the
29 requirements of section 490.401.

30 d. State the state federal tax identification
31 number of the corporation.

32 Sec. ____ Section 490.1422, subsection 2,
33 paragraph a, Code 1995, is amended to read as follows:

34 a. The secretary of state shall refer the state
35 federal tax identification number contained in the
36 application for reinstatement to the department of
37 revenue and finance. The department of revenue and
38 finance shall report to the secretary of state the tax
39 status of the corporation. If the department reports
40 to the secretary of state that a filing delinquency or
41 liability exists against the corporation, the
42 secretary of state shall not cancel the certificate of
43 dissolution until the filing delinquency or liability
44 is satisfied.

45 Sec. ____ Section 490.1503, subsection 2, Code
46 1995, is amended to read as follows:

47 2. The foreign corporation shall deliver ~~with the~~
48 completed application to the secretary of state, and
49 also deliver to the secretary of state a certificate
50 of existence or a document of similar import duly

Page 4

1 authenticated by the secretary of state or other
2 official having custody of corporate records in the
3 state or country under whose law it is incorporated
4 which is dated no earlier than ninety days prior to
5 the date the application is filed with the secretary
6 of state.

7 Sec. ____ Section 490.1506, subsection 4, Code
8 1995, is amended to read as follows:

9 4. A foreign corporation may use in this state the
10 name, including the fictitious name, of another
11 domestic or foreign corporation that is used in this
12 state if the other corporation is incorporated or
13 authorized to transact business in this state and the
14 foreign corporation has ~~done~~ filed documentation
15 satisfactory to the secretary of state of the
16 occurrence of any of the following:

17 a. ~~Merged~~ The foreign corporation has merged with
18 the other corporation.

19 b. ~~Been~~ The foreign corporation has been formed by
20 reorganization of the other corporation.

21 c. ~~Acquired~~ The foreign corporation has acquired
22 all or substantially all of the assets, including the
23 corporate name, of the other corporation.

24 Sec. ____ Section 490.1508, subsection 1,
25 paragraphs b and d, Code 1995, are amended by the
26 striking the paragraphs.

27 Sec. ____ Section 490.1509, Code 1995, is amended
28 to read as follows:

29 490.1509 RESIGNATION OF REGISTERED AGENT OF

30 FOREIGN CORPORATION.

31 1. The registered agent of a foreign corporation
 32 may resign the agency appointment by signing and
 33 delivering to the secretary of state for filing the
 34 signed original and two exact or conformed copies of a
 35 statement of resignation. The statement of
 36 resignation may include a statement that the
 37 registered office is also discontinued. The
 38 registered agent shall send a copy of the statement of
 39 resignation by certified mail to the corporation at
 40 its principal office and to the registered office, if
 41 not discontinued. The registered agent shall certify
 42 to the secretary of state that the copies have been
 43 sent to the corporation, including the date the copies
 44 were sent.

45 ~~2. After filing the statement, the secretary of~~
 46 ~~state shall attach the filing receipt to one copy and~~
 47 ~~mail the copy and receipt to the registered office if~~
 48 ~~not discontinued. The secretary of state shall mail~~
 49 ~~the other copy of the foreign corporation to its~~
 50 ~~principal office address shown in its most recent .~~

Page 5

1 ~~annual report.~~

2 ~~3. 2.~~ The agency appointment is terminated, and
 3 the registered office discontinued if so provided, on
 4 the ~~thirty-first day after the date on which the~~
 5 ~~statement was filed.~~

6 Sec. ____ Section 490.1520, subsection 2,
 7 paragraph e, Code 1995, is amended by striking the
 8 paragraph.

9 Sec. ____ Section 490.1530, subsection 2, Code
 10 1995, is amended by striking the subsection.

11 Sec. ____ Section 490.1622, subsection 1,
 12 paragraph d, Code 1995, is amended to read as follows:

13 d. The names and ~~business~~ addresses of its
 14 ~~directors and principal officers~~ the president,
 15 secretary, treasurer, and one member of the board of
 16 directors.

17 Sec. ____ Section 490.1622, subsection 1,
 18 paragraphs e, f, g, and h, Code 1995, are amended by
 19 striking the paragraphs.”

20 2. Page 1, line 27, by inserting after the word
 21 “companies,” the following: “certain reporting and
 22 filing requirements and procedures.”.

23 3. By renumbering as necessary.

Amendment H-5868 was adopted.

On motion by Nutt of Woodbury, the House concurred in the Senate amendment H-5621, as amended.

Nutt of Woodbury moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2370)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley	Brammer	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2370, 2419** and **Senate File 2171**.

Drake of Pottawattamie called up for consideration **House File 2407**, a bill for an act relating to legal publications and related products

prepared and distributed under the authority of the general assembly, amended by the Senate, and moved that the House concur in the following Senate amendment H-5644:

H-5644

- 1 Amend House File 2407, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 15, by striking the word
- 4 "producing" and inserting the following:
- 5 "reproducing".

The motion prevailed and the House concurred in the Senate amendment H-5644.

Drake of Pottawattamie moved that the bill, as amended by the Senate, and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley

Brammer

Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Greig of Emmet called up for consideration **House File 2390**, a bill for an act providing for the branding of livestock, amended by the Senate, and moved that the House concur in the following Senate amendment H-5684:

H-5684

- 1 Amend House File 2390, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 159B.1 DEFINITIONS.
- 6 As used in this section, unless the context
- 7 otherwise requires:
- 8 1. "Council" means the state livestock council
- 9 established in section 159B.2.
- 10 2. "Livestock" means an animal belonging to the
- 11 bovine, caprine, equine, ovine, or porcine species;
- 12 ostriches, rheas, emus; farm deer, as defined in
- 13 section 481A.1; or poultry.
- 14 Sec. ____ NEW SECTION. 159B.2 ESTABLISHMENT OF
- 15 THE STATE LIVESTOCK COUNCIL.
- 16 1. A state livestock council is established within
- 17 the department. The council shall be composed of
- 18 persons interested in the production and marketing of
- 19 livestock. The members of the council shall include
- 20 the following:
- 21 a. The governor, or a person designated by and
- 22 representing the governor.
- 23 b. The secretary, or a person designated by the
- 24 secretary, who shall represent the department of
- 25 agriculture and land stewardship.
- 26 c. The attorney general, or an assistant attorney
- 27 general designated by the attorney general, who shall
- 28 represent the department of justice.
- 29 d. The director of the Iowa cooperative extension
- 30 service in agriculture and home economics at Iowa
- 31 state university, or a person designated by the
- 32 director, who shall represent the service.
- 33 e. A person appointed by the secretary who is
- 34 knowledgeable regarding brands and livestock branding.
- 35 f. Two cattle producers appointed by the Iowa
- 36 cattlemen's association, who serve on the
- 37 association's board of directors, to represent the

38 association.

39 g. Two swine producers appointed by the Iowa pork
40 producers association, who serve on the association's
41 board of directors, to represent the association.

42 h. One sheep producer appointed by the Iowa sheep
43 producers association, who serves on the association's
44 board of directors, to represent the association.

45 i. One poultry producer appointed by the Iowa
46 poultry association, who serves on the association's
47 board of directors, to represent the association.

48 j. One milk producer appointed by the Iowa dairy
49 products association, who serves on the association's
50 board of directors, to represent the association.

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1 k. One person involved in marketing livestock
2 appointed by the Iowa livestock auction markets
3 association, to represent the association.

4 l. One member appointed by the governor who shall
5 represent a horse association, which may include the
6 jockey club, American quarter horse association, or
7 United States trotting association, who serves on the
8 respective association's board of directors, to
9 represent the person's association.

10 m. A member appointed by the governor who shall
11 represent an association of other livestock producers,
12 including farm deer, ostriches, rheas, and emus, who
13 serves on the respective association's board of
14 directors, to represent that person's association.

15 2. The governor shall serve as chairperson of the
16 council, or appoint a member of the council who is
17 actively engaged in livestock production as
18 chairperson of the council, who shall be subject to
19 confirmation by the senate, pursuant to section 2.32.

20 3. The members appointed pursuant to subsection 1,
21 paragraphs "e" through "m", shall serve three-year
22 terms beginning and ending as provided in section
23 69.19. However, the governor shall provide that
24 initial members serve for less than three years to
25 ensure that members serve staggered terms. A member
26 is eligible for reappointment. A vacancy on the
27 council shall be filled for the unexpired portion of
28 the regular term in the same manner as regular
29 appointments are made.

30 4. The council shall include four ex officio
31 nonvoting members who shall be legislative members.
32 The legislative members are two state senators, one
33 appointed by the president of the senate, after
34 consultation with the majority leader of the senate,
35 and one appointed by the minority leader of the
36 senate, after consultation with the president of the
37 senate, from their respective parties; and two state

38 representatives appointed by the speaker of the house
39 of representatives, after consultation with the
40 majority leader and the minority leader of the house
41 of representatives, from their respective parties.

42 5. The council shall meet on a regular basis and
43 at the call of the chairperson or upon the written
44 request to the chairperson of two or more voting
45 members.

46 6. The members other than those enumerated in
47 subsection 1, paragraphs "a" through "d", shall
48 receive compensation as provided in section 7E.6.

49 7. Eight voting members constitute a quorum and
50 the affirmative vote of a majority of the voting

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1 members present is necessary for any substantive
2 action to be taken by the council. The majority shall
3 not include any member who has a conflict of interest
4 and a statement by a member that the member has a
5 conflict of interest is conclusive for this purpose.
6 A vacancy in the membership does not impair the duties
7 of the council.

8 8. The council shall be staffed by personnel of
9 the department as provided by the secretary.

10 Sec. ____ NEW SECTION. 159B.3 PURPOSE.

11 The purpose of the council is to oversee conditions
12 affecting the livestock industry, including state,
13 national, and international factors which affect the
14 industry, in order to recommend solutions benefiting
15 livestock production in Iowa and to better provide for
16 the prosperity of Iowa livestock producers. The
17 council shall oversee and monitor the operations of
18 governmental agencies relating to issues affecting
19 livestock, and advise the governor, the general
20 assembly, and those agencies regarding the
21 administration of producer support programs; criminal
22 acts involving livestock; the promotion of livestock
23 health; the transportation of livestock; practices of
24 livestock dealers; the inspection of slaughter
25 facilities; livestock identification; and the
26 promotion, marketing, and export of livestock and
27 livestock products.

28 Sec. ____ NEW SECTION. 159B.4 POWERS AND DUTIES.

29 In carrying out its purpose, the council shall do
30 all of the following:

31 1. Cooperate with, sponsor, and assist in the
32 coordination of joint activities conducted by, and
33 share information and recommendations of interest with
34 the governor, the department, the department of
35 justice, the Iowa cooperative extension service in
36 agriculture and home economics at Iowa state
37 university, the general assembly, livestock producers,

38 and other persons interested in livestock.
 39 2. Cooperate with, sponsor, and assist in the
 40 coordination of joint activities conducted by, and
 41 share information and recommendations of interest with
 42 the department, the agricultural products advisory
 43 council established pursuant to section 15.203, the
 44 state pseudorabies advisory committee established
 45 pursuant to section 166D.3, the Iowa state fair
 46 authority established pursuant to section 173.1, the
 47 agricultural development authority established in
 48 section 175.3, the executive committee of the Iowa
 49 beef cattle producers association established in
 50 section 181.3, the sheep and wool promotion board

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1 established pursuant to section 182.4, the Iowa pork
 2 producers council established pursuant to section
 3 183A.2, the Iowa egg council established pursuant to
 4 section 196A.4, and the livestock health advisory
 5 council established pursuant to section 267.2.
 6 3. Prepare reports and recommendations regarding
 7 methods to maximize the efficiency and effectiveness
 8 of governmental operations affecting livestock
 9 production. The council shall examine practices
 10 involving the use of brands and tattoos and the
 11 administration of brands and tattoos pursuant to
 12 chapter 169A.”
 13 2. Title page, line 1, by inserting after the
 14 word “Act” the following: “relating to livestock by
 15 establishing a state livestock council and”.
 16 3. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-5684.

Boddicker of Cedar called up for consideration **House File 210**, a bill for an act authorizing a court to require a criminal offender as part of a restitution order to make financial contributions to a local anti-crime organization, amended by the Senate, and moved that the House concur in the following Senate amendment H-5565:

H-5565

1 Amend House File 210, as passed, by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 910.1, Code 1995, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 1A. “Local anticrime

8 organization" means an entity organized for the
9 primary purpose of crime prevention which has been
10 officially recognized by the chief of police of the
11 city in which the organization is located or the
12 sheriff of the county in which the organization is
13 located."

14 2. By striking page 1, line 16, through page 2,
15 line 24, and inserting the following:

16 "Sec. ____ Section 910.2, Code Supplement 1995, is
17 amended to read as follows:

18 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
19 ORDERED BY SENTENCING COURT.

20 In all criminal cases except simple misdemeanors
21 under chapter 321, in which there is a plea of guilty,
22 verdict of guilty, or special verdict upon which a
23 judgment of conviction is rendered, the sentencing
24 court shall order that restitution be made by each
25 offender to the victims of the offender's criminal
26 activities, to the clerk of court for fines,
27 penalties, surcharges, and, to the extent that the
28 offender is reasonably able to pay, for crime victim
29 assistance reimbursement, court costs, court-appointed
30 attorney's fees, or the expense of a public defender
31 when applicable, or contribution to a local anticrime
32 organization. However, victims shall be paid in full
33 before fines, penalties, and surcharges, crime victim
34 compensation program reimbursement, court costs,
35 court-appointed attorney's fees, ~~or~~ the expenses of a
36 public defender, or contribution to a local anticrime
37 organization are paid. In structuring a plan of
38 restitution, the court shall provide for payments in
39 the following order of priority: victim, fines,
40 penalties, and surcharges, crime victim compensation
41 program reimbursement, court costs, ~~and~~ court-
42 appointed attorney's fees, or the expense of a public
43 defender, and contribution to a local anticrime
44 organization.

45 PARAGRAPH DIVIDED. When the offender is not
46 reasonably able to pay all or a part of the crime
47 victim compensation program reimbursement, court
48 costs, court-appointed attorney's fees, ~~or~~ the expense
49 of a public defender, or contribution to a local
50 anticrime organization, the court may require the

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1 offender in lieu of that portion of the crime victim
2 compensation program reimbursement, court costs,
3 court-appointed attorney's fees, ~~or~~ expense of a
4 public defender, or contribution to a local anticrime
5 organization for which the offender is not reasonably
6 able to pay, to perform a needed public service for a
7 governmental agency or for a private nonprofit agency
8 which provides a service to the youth, elderly, or

9 poor of the community. When community service is
 10 ordered, the court shall set a specific number of
 11 hours of service to be performed by the offender. The
 12 judicial district department of correctional services
 13 shall provide for the assignment of the offender to a
 14 public agency or private nonprofit agency to perform
 15 the required service.”
 16 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5565.

Boddicker of Cedar moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 210)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon.	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Bradley	Brammer	Jacobs	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 210, 2390 and 2407.**

SPECIAL PRESENTATION

Speaker pro tempore Van Maanen of Marion presented to the House from the Speaker's station, Jill Verhey, Queen of the 1996 Pella Tulip Festival.

Queen Jill presented her attendants: Julie Steenhoek, Livija Shannon, Allison Mulder and Crystal Vander Waal.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costume and distributed the famous Pella Dutch cookies.

Queen Jill addressed the House briefly and invited everyone to attend the Pella Tulip Festival May 9, 10, and 11, 1996.

The House rose and expressed its welcome.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2123**, a bill for an act relating to the payment of claims by an administrator acting on behalf of an insurer, previously deferred and placed on the unfinished business calendar.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2123)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg

Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Schrader
Schulte	Shultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Bradley	Brammer	Hurley	Jacobs
Rants	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 284**, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing penalties, previously deferred and placed on the unfinished business calendar.

Veenstra of Sioux asked and received unanimous consent to withdraw amendment H-5221 filed by the committee on judiciary on March 6, 1996.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 284** be deferred and retain its place on the **unfinished business calendar**.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 109

Blodgett of Cerro Gordo called up for consideration Senate Concurrent Resolution 109, a concurrent resolution urging the United States Congress to amend relevant law to facilitate the development and approval of new drugs and biologics.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 109** be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Polk, until his return, on request of Schrader of Marion; Jacobs of Polk, until her return, on request of Siegrist of Pottawattamie.

Ways and Means Calendar

House File 2432, a bill for an act relating to the taxation of payments received by organized health care delivery systems, was taken up for consideration.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2432)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 1:

Fallon

Absent or not voting, 4:

Bradley

Brammer

Jacobs

Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2432** be immediately messaged to the Senate.

FURTHER CONSIDERATION OF SENATE CONCURRENT RESOLUTION 109

The House resumed consideration of Senate Concurrent Resolution 109, a concurrent resolution urging the United States Congress to amend relevant law to facilitate the development and approval of new drugs and biologics, previously deferred.

On motion by Blodgett of Cerro Gordo, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 113 WITHDRAWN

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw House Concurrent Resolution 113 from further consideration by the House.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2396**, a bill for an act adding certain residential security deposits and prepaid rent to the list of exempt property which a debtor may claim, with report of committee recommending passage, previously deferred and placed on the unfinished business calendar.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2396)

The ayes were, 93:

Arnold	Bell	Bernau	Boddicker
Bogess	Brand	Branstad	Brauns
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberfi	Larkin	Larson

Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Baker	Blodgett	Bradley	Brammer
Brunkhorst	Jacobs	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Daggett of Union in the chair at 10:28 a.m.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 28

Schulte of Linn called up for consideration House Concurrent Resolution 28, a concurrent resolution requesting that the United States Congress repeal the decriminalization of status offenses mandate contained in the federal Juvenile Justice Delinquency Prevention Act of 1974, and moved its adoption.

The motion prevailed and the resolution was adopted.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2204**, a bill for an act relating to the operation of the vocational rehabilitation division of the department of education and promoting consistency with the most recently amended version of federal law, previously deferred and placed on the unfinished business calendar.

Warnstadt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2204)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Daggett, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley	Brammer	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 28; Senate Files 2123, 2204, 2396 and Senate Concurrent Resolution 109.**

SENATE AMENDMENT CONSIDERED

Kreiman of Davis called up for consideration **Senate File 2420**, a bill for an act relating to juvenile justice, including dispositional alternatives for juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5873 to the House amendment:

H-5873

- 1 Amend the House amendment, S-5649, to Senate File
- 2 2420, as passed by the Senate, as follows:
- 3 1. Page 1, line 34, by striking the word
- 4 "intimidate" and inserting the following: "use,
- 5 intimidate,".
- 6 2. Page 1, line 34, by inserting after the word
- 7 "person" the following: "without justification".
- 8 3: Page 1, line 37, by inserting after the word
- 9 "death" the following: "without justification".
- 10 4. Page 1, line 48, by inserting after the word
- 11 "person" the following: "without justification".

The motion prevailed and the House concurred in the Senate amendment H-5873, to the House amendment.

Kreiman of Davis moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2420)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Branstad	Brauns	Bronkhorst	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Daggett,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Bradley	Brammer	Carroll	Koenigs
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2071**, a bill for an act creating an advisory commission on intergovernmental relations, specifying its membership and its powers and duties, providing for other properly related matters, and providing an effective date, with report of committee recommending passage, previously deferred and placed on the unfinished business calendar.

Thomson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2071)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Daggett, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley

Brammer

Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Larson of Linn called up for consideration **House File 111**, a bill for an act exempting from regulation certain homeowners' association swimming pools, amended by the Senate, and moved that the House concur in the following Senate amendment H-5857:

H-5857

- 1 Amend House File 111 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 11 and inserting the
- 4 following: "a swimming pool or spa operated by a
- 5 homeowner's association representing seventy-two or
- 6 fewer dwelling units if the association's bylaws,
- 7 which also apply to a rental agreement relative to any
- 8 of the dwelling units, include an exemption from the
- 9 requirements of this chapter, provide for inspection
- 10 of the swimming pool or spa by an entity other than
- 11 the department or local board of health, and assume
- 12 any liability associated with operation of the
- 13 swimming pool or spa. To avoid".

The motion prevailed and the House concurred in the Senate amendment H-5857.

Larson of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 111)

The ayes were, 76:

Arnold	Bell	Blodgett	Boddicker
Bogges	Brand	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Cormack
Dinkla	Disney	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Harrison
Heaton	Houser	Hurley	Huseman

Jacobs	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Nelson, B.	Nelson, L.	Nutt
O'Brien	Rants	Renken	Schrader
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Wise	Witt	Daggett, Presiding

The nays were, 20:

Baker	Bernau	Burnett	Doderer
Drake	Fallon	Hanson	Harper
Holveck	Jochum	Mertz	Moreland
Mundie	Murphy	Myers	Ollie
Osterhaus	Shoultz	Taylor	Weigel

Absent or not voting, 4:

Bradley	Brammer	Corbett, Spkr.	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 111; Senate Files 2071 and 2420.**

ADOPTION OF SENATE CONCURRENT RESOLUTION 105

Hahn of Muscatine called up for consideration Senate Concurrent Resolution 105, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:10 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:00 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy members present, thirty absent.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 2305**, a bill for an act relating to purchase money mortgages and providing a retroactive applicability provision, previously deferred and placed on the unfinished business calendar.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2305)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 1:

Moreland

Absent or not voting, 4:

Bradley	Brammer	Greig	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 2486, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, was taken up for consideration.

Sukup of Franklin offered amendment H-5742 filed by him as follows:

H-5742

- 1 Amend House File 2486 as follows:
- 2 1. Page 24, by inserting after line 3 the
- 3 following:
- 4 "Sec. ____ LIHEAP FUNDING – DISCONNECTION
- 5 PROHIBITION. It is the intent of the general assembly
- 6 that if the governor determines federal funds are
- 7 insufficient to adequately provide for certification
- 8 of eligibility for the low-income home energy
- 9 assistance program by the community action agencies,
- 10 the Iowa utilities board shall issue an order
- 11 prohibiting disconnection of service from November 1
- 12 through April 1 by a regulated public utility
- 13 furnishing gas or electricity to households whose
- 14 income falls at or below one hundred fifty percent of
- 15 the federal poverty level as established by the United
- 16 States office of management and budget. The board
- 17 shall promptly adopt rules in accordance with section
- 18 17A.4, subsection 2, and section 17A.5, subsection 2,
- 19 paragraph "b", to implement this requirement,
- 20 including procedures for income verification by the
- 21 utilities or their agents."
- 22 2. By renumbering as necessary.

Sukup of Franklin offered the following amendment H-5887, to amendment H-5742, filed by him and Brand from the floor and moved its adoption:

H-5887

- 1 Amend the amendment, H-5742, to House File 2486 as
- 2 follows:
- 3 1. Page 1, by striking lines 19 through 21 and
- 4 inserting the following: "paragraph "b", to implement
- 5 this requirement. The energy assistance bureau of the
- 6 department of human rights, in consultation with the
- 7 community action agencies, shall certify to the
- 8 utilities, households that are eligible for moratorium
- 9 protection utilizing the agency's existing electronic
- 10 database."

Amendment H-5887 was adopted.

On motion by Sukup of Franklin, amendment H-5742, as amended, was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2486)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Bradley	Brammer	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 2:25 p.m., until the fall of the gavel.

The House resumed session at 3:15 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2486; Senate File 2305 and Senate Concurrent Resolution 105.**

SENATE AMENDMENT CONSIDERED

Blodgett of Cerro Gordo called up for consideration **Senate File 2085**, a bill for an act relating to handicapped parking and providing a penalty, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5856 to the House amendment:

H-5856

- 1 Amend the House amendment, S-5630, to Senate File
- 2 2085, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 9 through 17 and
- 5 inserting the following:
- 6 "_. Page 6, by striking lines 1 through 6 and
- 7 inserting the following: "four years. Persons who
- 8 ~~seek only seeking~~."
- 9 2. Page 1, by striking lines 18 through 20.
- 10 3. Page 1, by striking lines 27 through 33.
- 11 4. Page 1, by striking lines 34 through 38.
- 12 5. By striking page 1, line 41, through page 2,
- 13 line 21, and inserting the following:
- 14 "_. Page 13, line 3, by striking the figure
- 15 "1997" and inserting the following: "1998"."
- 16 6. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-5856, to the House amendment.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2399**, a bill for an act relating to child protection system provisions involving the child abuse assessment pilot projects administered by the department of human services and certain multidisciplinary teams, and providing an effective date, previously deferred and placed on the unfinished business calendar.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-5665 filed by him on March 27, 1996.

Boddicker of Cedar offered the following amendment H-5862 filed by him and Murphy and moved its adoption:

H-5862

- 1 Amend Senate File 2399, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the words
- 4 "seventy-two" and inserting the following: "seventy-
- 5 two ~~twenty-four~~".
- 6 2. Page 2, by inserting after line 26 the
- 7 following:
- 8 "Sec. ____ Section 232.71A, subsection 7, Code
- 9 Supplement 1995, is amended by adding the following
- 10 new paragraph:
- 11 NEW PARAGRAPH. d. All information contained in an
- 12 assessment completed in accordance with this section
- 13 shall be provided to the custodial and noncustodial
- 14 parents of a child who are known to the department."
- 15 3. By renumbering as necessary.

Amendment H-5862 was adopted.

Boddicker of Cedar offered the following amendment H-5527 filed by him and moved its adoption:

H-5527

- 1 Amend Senate File 2399, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 20, by striking the words "with
- 4 the fiscal year beginning" and inserting the
- 5 following: "with the fiscal year beginning".

Amendment H-5527 was adopted.

Cataldo of Polk offered amendment H-5676 filed by Cataldo, et. al., as follows:

H-5676

- 1 Amend Senate File 2399, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 "Sec. ____ Section 235A.15, subsection 2,
- 6 paragraph e, Code Supplement 1995, is amended by
- 7 adding the following new subparagraph:
- 8 NEW SUBPARAGRAPH. (15) To employees of the
- 9 department of human services as necessary to perform

10 child abuse-child care registry duties under chapter
11 235D.

12 Sec. ____ Section 235A.17, Code 1995, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 3. An employee of the department
15 of human services authorized to receive child abuse
16 information for purposes of the child abuse-child care
17 registry pursuant to section 235A.15, subsection 2,
18 paragraph "e", subparagraph (15) may redisseminate the
19 information in accordance with the provisions of
20 chapter 235D.

21 Sec. ____ NEW SECTION. 235D.1 DEFINITIONS.

22 As used in this chapter, unless the context
23 otherwise requires:

24 1. "Central child abuse registry" or "central
25 registry" means the central child abuse registry
26 created in chapter 235A.

27 2. "Child abuse-child care registry" means the
28 central child abuse-child care registry created by the
29 department pursuant to section 235D.9.

30 3. "Child day care" means the same as defined in
31 section 237A.1.

32 4. "Department" means the department of human
33 services.

34 5. "Founded child abuse report" means a child
35 abuse report determined by the department to be child
36 abuse and placed in the central child abuse registry
37 as founded child abuse.

38 Sec. ____ NEW SECTION. 235D.2 PERSONS REQUIRED
39 TO REGISTER.

40 1. A person who provides child day care and who is
41 named as having abused a child in a founded child
42 abuse report, which is placed in the central registry
43 on or after July 1, 1996, shall register as provided
44 in this chapter for a period of time equivalent to the
45 period of time the report is maintained on the central
46 child abuse registry.

47 2. The registration requirements of this section
48 do not apply to any of the following:

49 a. A person for whom the department has performed
50 an evaluation pursuant to section 237A.5, subsection

Page 2

1 2, and has permitted the person to be licensed,
2 registered, employed, or to reside in a child day care
3 facility, if the person complies with the department's
4 conditions established in section 237A.5, subsection
5 2, paragraph "c".

6 b. A person who was named as having abused a child
7 in a founded child abuse report in which the
8 information concerning the person was determined to be
9 unfounded and was corrected or eliminated pursuant to

10 section 235A.19, subsection 5.

11 Sec. ____ NEW SECTION. 235D.3 REGISTRATION
12 PROCESS.

13 All of the following applies to a person who is
14 required to register with the department, pursuant to
15 section 235D.2:

16 1. The person shall register with the child abuse-
17 child care registry prior to providing child day care.
18 However, if the person is providing child day care at
19 the time the founded child abuse report is entered in
20 the central registry, the person shall register within
21 ten days of the date the person is notified of the
22 duty to register under section 235D.5.

23 2. Within ten days of changing residence within
24 this state, notify the child abuse-child care registry
25 of the change of address and any changes in the
26 person's telephone number. The notification shall be
27 in writing on a form provided by the department.

28 3. Within ten days of changing residence to a
29 location outside of this state, the person shall
30 notify the child abuse-child care registry of the new
31 residence address, and any changes in telephone
32 number. If the person is required to register under
33 the laws of the other state, the person shall register
34 in the other state.

35 Sec. ____ NEW SECTION. 235D.4 REGISTRATION
36 RENEWAL.

37 A person required to register with the department
38 pursuant to section 235D.2 shall annually renew the
39 person's registration and verify the person's address
40 using a renewal form developed by the department. The
41 person shall renew the registration in the month in
42 which the person was initially required to register.
43 The renewal form shall be signed by the person and
44 state the address at which the person resides. If the
45 person is in the process of changing residence, the
46 person shall state that fact as well as the old and
47 new addresses of places of residence.

48 Sec. ____ NEW SECTION. 235D.5 DUTY TO FACILITATE
49 REGISTRATION.

50 If a founded child abuse report is entered in the

Page 3

1 central registry on or after July 1, 1996, which would
2 cause a person to be required to register with the
3 department pursuant to section 235D.2, the department
4 shall do the following at the time a founded child
5 abuse report is entered in the central registry:

6 1. Inform the person of the duty to register.

7 2. Inform the person of the person's duty to
8 notify the child abuse-child care registry within ten
9 days of changing residence within this state.

10 3. Inform the person of the person's duty to
11 notify the child abuse-child care registry within ten
12 days of changing residence to a location outside this
13 state, and inform the person that, if the other state
14 has a registration requirement, the person is also
15 required to register in the new state of residence.

16 4. Require the person to read and sign a form
17 stating that the duty of the person to register under
18 this chapter has been explained. If the person cannot
19 read, is unable to write, or refuses to cooperate, the
20 duty and the form shall be explained orally and a
21 written record maintained by the person explaining the
22 duty and the form.

23 Sec. . NEW SECTION. 235D.6 REGISTRATION FEES
24 FOR OFFENDERS.

25 At the time of filing an initial registration, or a
26 renewal of registration with the department, a person
27 who is required to register pursuant to section 235D.2
28 shall pay an annual fee of one hundred twenty-five
29 dollars to the department. If, at the time of
30 registration, the person who is required to register,
31 is unable to pay the fee, the department may allow the
32 person time to pay the fee, permit the payment of the
33 fee in installments, or waive payment of the fee for
34 good cause. Fees paid to the department shall be used
35 to defray the costs of duties related to the
36 registration of persons under this chapter.

37 Sec. . NEW SECTION. 235D.7 FAILURE TO COMPLY
38 — PENALTY.

39 A person who willfully fails to register as
40 required under this chapter commits a serious
41 misdemeanor for a first offense and an aggravated
42 misdemeanor for a second or subsequent offense.
43 However, a person who willfully fails to register as
44 required under this chapter and who, during the period
45 in which the person has willfully failed to register,
46 commits a criminal offense against a child under
47 chapter 709, 709A, 710, 725, 726, or 728, commits a
48 class "D" felony. The court shall not defer judgment
49 or sentence for any violation of the registration
50 requirements of this chapter.

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1 Sec. . NEW SECTION. 235D.8 REGISTRATION AND
2 DISCLOSURE PROCESS.

3 1. The department shall prepare registration
4 forms. The forms shall include the registrant's name,
5 social security number, current address, and, if
6 applicable, telephone number. In addition, the
7 registration form shall include the names, addresses,
8 and telephone numbers of the children for which the
9 registrant is providing child day care as well as this

10 information for the children's parent, guardian, or
11 custodian. The forms may provide for the reporting of
12 additional relevant information, including but not
13 limited to, residents in the household of the person
14 required to register, but shall not include
15 information identifying the victim of the child abuse
16 which the registrant was found to have committed.
17 Forms shall be available to any person upon request to
18 the department.

19 2. a. The department shall prepare disclosure
20 forms which shall be made available to a registrant.
21 The disclosure form shall provide for a written
22 acknowledgment by the parent or guardian of each child
23 for which the registrant provides child day care that
24 the registrant is required to register with the child
25 care-child abuse registry by reason of having been
26 named as having abused a child in a founded child
27 abuse report. The form shall also provide
28 instructions regarding the parent's, guardian's, or
29 custodian's access to information maintained in the
30 child abuse-child care registry.

31 b. The disclosure form shall be signed by the
32 parent or guardian of each child for which the
33 registrant provides child day care, acknowledging that
34 the parent or guardian has read the form. A
35 disclosure form shall be filed with the department for
36 each child in the registrant's child day care as part
37 of the registration requirements. The department
38 shall retain a disclosure form filed in accordance
39 with this paragraph for a period of three years.

40 Sec. ____ NEW SECTION. 235D.9 DEPARTMENT DUTIES
41 — REGISTRY.

42 The department shall perform all of the following
43 duties:

44 1. Develop and disseminate the standard forms for
45 registering persons required to register pursuant to
46 section 235D.2, and for understanding of registration
47 requirements by the persons.

48 2. Maintain a central registry of information
49 collected from persons required to register under this
50 chapter, which shall be known as the child abuse-child

Page 5

1 care registry.

2 3. Adopt rules under chapter 17A as necessary to
3 do all of the following:

4 a. Ensure compliance with registration
5 requirements of this chapter.

6 b. Provide guidelines for persons required to
7 assist in obtaining registry information.

8 c. Provide a procedure for the dissemination of
9 information contained in the child abuse-child care

10 registry. The procedure for the dissemination of
11 information shall include, but is not limited to,
12 practical guidelines for use by agencies in
13 determining when public release of information
14 contained in the registry is appropriate and a
15 requirement that if a member of the general public
16 requests information regarding a specific individual
17 in the manner provided in section 235D.11, the
18 information shall be released. The department, in
19 developing the procedure, shall consult with
20 associations which represent the interests of law
21 enforcement officers. Rules adopted shall also
22 include a procedure for removal of information from
23 the registry upon a determination that the information
24 concerning the person in the founded child abuse
25 report which caused the person to register under this
26 chapter was unfounded and was corrected or eliminated
27 pursuant to section 235A.19, subsection 5.

28 Sec. . NEW SECTION. 235D.10 CHILD ABUSE-CHILD
29 CARE REGISTRY FUND.

30 A child abuse-child care registry fund is
31 established as a separate fund within the state
32 treasury under the control of the department. The
33 fund shall consist of moneys received from fees
34 received under section 235D.6 and other funds allo-
35 cated for purposes of establishing and maintaining the
36 child abuse-child care registry, conducting research
37 and analysis related to child abuse-child care issues,
38 and to perform other duties required under this
39 chapter. Notwithstanding section 8.33, unencumbered
40 or unobligated moneys and any interest remaining in
41 the fund on June 30 of any fiscal year shall not
42 revert to the general fund of the state, but shall
43 remain available for expenditure in subsequent fiscal
44 years. Moneys in the fund are appropriated to the
45 department to be used only for the purposes delineated
46 in this section and are not subject to transfer
47 pursuant to section 8.39.

48 Sec. . NEW SECTION. 235D.11 AVAILABILITY OF
49 RECORDS.

50 Notwithstanding chapter 22, the confidentiality of

Page 6

1 information in the child abuse-child care registry
2 shall be maintained except as specifically provided as
3 follows:
4 1. As authorized in section 235A.15.
5 2. The department shall release information
6 regarding a specific person who is required to
7 register under this chapter to a member of the general
8 public if the person requesting the information gives
9 the person's name and address in writing, states the

10 person's reason for requesting the information, and
 11 provides the department with the name and address of
 12 the person about whom the information is sought. The
 13 department shall maintain a record of persons
 14 requesting information from the registry. The
 15 confidentiality of the record of a person requesting
 16 information from the registry shall be maintained,
 17 unless the person requesting the information from the
 18 registry requests that the record of the information
 19 request be a public record.

20 3. Information shall not be released which would
 21 identify the victim's name or location in the founded
 22 child abuse report which is a part of the child abuse-
 23 child care registry record.

24 Sec. ____ NEW SECTION. 235D.12 COOPERATION WITH
 25 REGISTRATION.

26 Each agency of state and local government which
 27 possesses information relevant to requirements that a
 28 person register under this chapter shall provide that
 29 information to the department upon request. Any
 30 confidential record provided pursuant to this section
 31 shall only be released pursuant to section 235D.11.

32 Sec. ____ NEW SECTION. 235D.13 IMMUNITY FOR GOOD
 33 FAITH CONDUCT.

34 A person is immune from civil or criminal liability
 35 for acts or omissions arising from a good faith effort
 36 to comply with this chapter."

37 2. Title page, line 3, by inserting after the
 38 word "services" the following: ", a child abuse-child
 39 care registry,".

40 3. By renumbering as necessary.

Boddicker of Cedar offered the following amendment H-5884, to
 amendment H-5676 filed by him from the floor and moved its adoption:

H-5884

1 Amend the amendment, H-5676, to Senate File 2399,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 7, by striking the word
 5 "subparagraph" and inserting the following:
 6 "subparagraphs".

7 2. Page 1, by inserting after line 11 the
 8 following:

9 "NEW SUBPARAGRAPH. (16) To a person who submits
 10 written authorization from an individual allowing the
 11 person access to information pursuant to this
 12 subsection on behalf of the individual in order to
 13 verify whether the individual is named in a founded
 14 child abuse report as having abused a child."

Amendment H-5884 was adopted.

Cataldo of Polk moved the adoption of amendment H-5676, as amended.

A non-record roll call was requested.

The ayes were 55, nays 21.

Amendment H-5676, as amended, was adopted.

Kreiman of Davis offered the following amendment H-5880 filed by him from the floor and moved its adoption:

H-5880

1 Amend Senate File 2399, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 26 the
 4 following:
 5 "Sec. ____ Section 232.71A, subsection 7,
 6 paragraph a, Code Supplement 1995, is amended by
 7 adding the following new subparagraphs:
 8 NEW SUBPARAGRAPH. (4) The department determines
 9 the abuse meets the definition of child abuse under
 10 section 232.68, subsection 2, paragraph "e", and the
 11 alleged perpetrator of the abuse is age fourteen or
 12 older. However, the juvenile court may order the
 13 removal from the central registry of the name of a
 14 perpetrator of abuse placed in the registry pursuant
 15 to this subparagraph who is age fourteen through
 16 seventeen upon a finding of good cause. The name of a
 17 perpetrator who is less than age fourteen shall not be
 18 placed in the central registry pursuant to this
 19 subparagraph.
 20 NEW SUBPARAGRAPH. (5) The department determines
 21 the alleged perpetrator of the abuse will continue to
 22 pose a danger to the child who is the subject of the
 23 report of abuse or to another child with whom the
 24 alleged perpetrator may come into contact."

Amendment H-5880 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2399)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Branstad	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon

Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 5:

Brunkhorst	Greig	Heaton	Meyer
Millage			

Absent or not voting, 5:

Bradley	Brammer	Brauns	Drees
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2085 and 2399.**

SENATE AMENDMENTS CONSIDERED

Nutt of Woodbury called up for consideration **House File 511**, a bill for an act relating to open-end credit pursuant to a credit card, including the permissible over-limit or delinquency charges, the offering of credit unemployment insurance, and the time requirements for making certain payments, amended by the Senate amendment H-5879 as follows:

H-5879

- 1 Amend House File 511, as amended, passed, and
- 2 reprinted by the House as follows:

- 3 1. Page 1, line 8, by striking the words "not to
4 exceed ~~ten~~" and inserting the following: "~~not to~~
5 ~~exceed-ten~~ up to".
- 6 2. Page 1, line 20, by striking the words "a
7 mailed" and inserting the following: "a-mailed an".
- 8 3. Page 1, lines 33 and 34, by striking the words
9 "not to exceed ~~ten~~" and inserting the following: "~~not~~
10 ~~to-exceed-ten~~ up to".
- 11 4. Page 2, by striking lines 19 through 30.
- 12 5. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

McCoy of Polk offered the following amendment H-5892, to the Senate amendment H-5879, filed by him from the floor and moved its adoption:

H-5892

- 1 Amend the Senate amendment, H-5879, to House File
2 511, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, by striking lines 3 through 5 and
5 inserting the following:
- 6 "1. Page 1, by striking lines 8 through 10 and
7 inserting the following: "contract for an over-limit
8 charge not to exceed ten dollars if the balance of the
9 account exceeds the credit limit established pursuant
10 to the agreement. The parties may contract for an
11 additional over-limit charge not to exceed five
12 dollars if the balance of the account continues to
13 exceed the credit limit in the billing cycle
14 immediately subsequent to the billing cycle during
15 which the credit limit is first exceeded. The over-
16 limit charge charges"."
- 17 2. Page 1, by inserting after line 7 the
18 following:
- 19 "1. Page 1, by striking line 32 and inserting
20 the following: "not paid in full within ten days
21 after its due date, as"."
- 22 3. Page 1, by striking lines 8 through 10 and
23 inserting the following:
- 24 "1. Page 1, by striking line 34 and inserting
25 the following: "exceed ten dollars. The parties may
26 contract for an additional delinquency charge not to
27 exceed five dollars if any payment not paid in full
28 remains unpaid in full in the billing cycle
29 immediately subsequent to the billing cycle during
30 which the initial payment is due."
- 31 4. Page 1, by inserting before line 11 the
32 following:
- 33 "1. Page 2, by striking line 6 and inserting
34 the following: "paid in full within ten days after
35 its deferred"."
- 36 "1. Page 2, lines 12 and 13, by striking the
37 words "within ten days after on or before" and

38 inserting the following: "within ten days after".

39 5. By renumbering as necessary.

Roll call was requested by McCoy of Polk and Schrader of Marion.

On the question "Shall amendment H-5892, to the Senate amendment H-5879, be adopted?" (H.F. 511)

The ayes were, 36:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohon
Connors	Doderer	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 56:

Blodgett	Boggeß	Branstad	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Ertl	Garman	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 8:

Boddicker	Bradley	Brammer	Brauns
Drees	Eddie	Greiner	Salton

Amendment H-5892 lost.

McCoy of Polk offered the following amendment H-5891, to the Senate amendment H-5879, filed by him from the floor and moved its adoption:

H-5891

- 1 Amend the Senate amendment, H-5879, to House File
- 2 511, as amended, passed, and reprinted by the House,
- 3 as follows:

- 4 1. Page 1, by inserting after line 7 the
 5 following:
 6 "___ Page 1, by striking line 32 and inserting
 7 the following: "not paid in full within ten days
 8 after its due date, as".
 9 2. Page 1, by inserting after line 10 the
 10 following:
 11 "___ Page 2, by striking line 6 and inserting
 12 the following: "paid in full within ten days after
 13 its deferred".
 14 ___ Page 2, lines 12 and 13, by striking the
 15 words "~~within ten days after on or before~~" and
 16 inserting the following: "within ten days after".
 17 3. By renumbering as necessary.

Roll call was requested by McCoy of Polk and Schrader of Marion.

On the question "Shall amendment H-5891, to the Senate amendment H-5879, be adopted?" (H. F. 511)

The ayes were, 37:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohon
Connors	Drees	Fallon	Harper
Holveck	Houser	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 56:

Blodgett	Boddicker	Boggess	Branstad
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nutt	Rants
Siegrist	Renken	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen,
			Presiding

Absent or not voting, 7:

Bradley	Brammer	Brauns	Doderer
Nelson, B.	Salton	Schulte	

Amendment H-5891 lost.

Murphy of Dubuque offered the following amendment H-5893, to the Senate amendment H-5879, filed by him from the floor and moved its adoption:

H-5893

- 1 Amend the Senate amendment, H-5879, to House File
- 2 511, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 11.
- 5 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Schrader of Marion.

On the question "Shall amendment H-5893, to the Senate amendment H-5879, be adopted?" (H.F. 511)

The ayes were, 38:

Baker	Bell	Bernau	Boddicker
Brand	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Ertl
Fallon	Harper	Holveck	Hurley
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Witt		

The nays were, 57:

Arnold	Blodgett	Bogges	Branstad
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammit Barry
Hanson	Harrison	Heaton	Houser
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage

Nelson, B.	Nutt	Rants	Renken
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Van Maanen, Presiding			

Absent or not voting, 5:

Bradley Salton	Brammer	Brauns	Grundberg
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Amendment H-5893 lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-5897, to the Senate amendment H-5879, filed by him from the floor.

Murphy of Dubuque offered the following amendment H-5898, to the Senate amendment H-5879, filed by him from the floor and moved its adoption:

H-5898

- 1 Amend the Senate amendment, H-5879, to House File
- 2 511, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 11, by striking the figure "30."
- 5 and inserting the following: "30, and inserting the
- 6 following:
- 7 "Sec. ____ NEW SECTION. 537.9101 EVIDENCE OF AGE
- 8 ON CREDIT CARD APPLICATION.
- 9 A person who issues credit cards in this state
- 10 shall require an individual to provide the
- 11 individual's date of birth on an application form used
- 12 by such person."

A non-record roll call was requested.

The ayes were 32, nays 51.

Amendment H-5898 lost.

Nutt of Woodbury moved that the House concur in the Senate amendment H-5879.

Roll call was requested by McCoy of Polk and Schrader of Marion.

On the question "Shall the House concur in the Senate amendment H-5879?" (H.F. 511)

The ayes were, 58:

Blodgett	Boddicker	Boguess	Branstad
Carroll	Cataldo	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nelson, L.	Nutt	Rants
Renken	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Van Maanen, Presiding		

The nays were, 34:

Arnold	Baker	Bell	Bernau
Brand	Brunkhorst	Burnett	Cohoon
Connors	Doderer	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Witt		

Absent or not voting, 8:

Bradley	Brammer	Brauns	Churchill
Drees	Greiner	Hanson	Salton

The motion prevailed and the House concurred in the Senate amendment H-5879.

Nutt of Woodbury moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 511)

The ayes were, 62:

Blodgett	Boddicker	Boguess	Bradley
Branstad	Brunkhorst	Carroll	Cataldo
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake

Eddie	Ertl	Garman	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nelson, L.	Nutt	Rants
Renken	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Van Maanen, Presiding		

The nays were, 33:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cohoon	Connors
Doderer	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Witt			

Absent or not voting, 5:

Brammer	Brauns	Drees	Greiner
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 511** be immediately messaged to the Senate.

Klemme of Plymouth called up for consideration **House File 2306**, a bill for an act relating to the regulation of motorboats on certain artificial lakes, and providing an effective date, amended by the Senate amendment H-5757 as follows:

H-5757

- 1 Amend House File 2306, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 14 and
- 4 inserting the following:
- 5 "Section 1. MOTORBOATS OPERATING ON BIG CREEK LAKE

6 - TEMPORARY:

- 7 1. Notwithstanding section 462A.31, subsection 1,
8 paragraph "b", a motorboat equipped with any power
9 unit mounted or carried aboard the vessel may be
10 operated at a no-wake speed on Big Creek lake.
11 However, the use of jet skis and the towing of
12 flotation recreational equipment are prohibited on Big
13 Creek lake.
- 14 2. This section applies to artificial lakes from
15 May 24, 1996, through September 2, 1996, both dates
16 inclusive.
- 17 3. This section is repealed effective September 3,
18 1996."
- 19 2. Title page, line 2, by inserting after the
20 word "date" the following: "and applicability dates".

Gipp of Winneshiek in the chair at 6:10 p.m.

Fallon of Polk offered the following amendment H-5904, to the Senate amendment H-5757, filed by him from the floor and moved its adoption:

H-5904

- 1 Amend the amendment, H-5757, to House File 2306, as
2 passed by the House, as follows:
3 1. Page 1, by striking lines 3 through 20 and
4 inserting the following:
5 "_. Title page, by striking line 3."

Amendment H-5904 lost.

The House stood at ease at 6:35 p.m., until the fall of the gavel.

The House resumed session at 6:50 p.m., Gipp of Winneshiek in the chair.

Fallon of Polk asked and received unanimous consent to withdraw the following amendments filed by him from the floor: H-5905, H-5906 and H-5907.

Klemme of Plymouth moved that the House concur in the Senate amendment H-5757.

The motion prevailed and the House concurred in the Senate amendment H-5757.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brand of Benton, for the remainder of the day, on request of Bernau of Story.

Klemme of Plymouth moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2306)

The ayes were, 60:

Arnold	Bell	Boddicker	Carroll
Cataldo	Cohoon	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Greig	Greiner
Gries	Hahn	Halvorson	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Main
May	Mertz	Meyer	Millage
Moreland	Mundie	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Schulte	Siegrist
Taylor	Teig	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Gipp, Presiding

The nays were, 31:

Baker	Bernau	Blodgett	Bogges
Bradley	Branstad	Brunkhorst	Burnett
Churchill	Connors	Corbett, Spkr.	Doderer
Fallon	Grubbs	Grundberg	Harper
Holveck	Jacobs	Jochum	Kreiman
Martin	Mascher	McCoy	Metcalf
Murphy	Osterhaus	Schrader	Shoultz
Sukup	Weigel	Witt	

Absent or not voting, 9:

Brammer	Brand	Brauns	Coon
Drees	Hammitt Barry	Lord	Salton
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2306** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2166, a bill for an act relating to the taxation of foreign corporations and providing an effective and retroactive applicability date provision.

Also: That the Senate has on April 9, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2259, a bill for an act relating to city sewer or water utility connections.

Also: That the Senate has on April 9, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2201, a bill for an act relating to the open enrollment application and implementation process.

Also: That the Senate has on April 9, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2294, a bill for an act creating multidisciplinary community services teams and providing a penalty.

Also: That the Senate has on April 9, 1996, adopted the conference committee report and passed Senate File 2448, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 8, 1996. Had I been present, I would have voted "aye" on Senate File 2218.

MAIN of Jefferson

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 4, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 308, an act relating to the election of workers' compensation coverage by a limited liability company member.

House File 523, an act relating to the establishment of minimum standards for the training of telecommunicators.

House File 2001, an act extending an exemption from federal motor carrier safety regulations for medically unqualified drivers and providing an effective date.

House File 2081, an act relating to legalizing official acts performed by notaries public more than ten years earlier.

House File 2165, an act relating to industrial machinery, computers and equipment for purposes of sales taxation and property taxation and providing an effective date and applicability date.

House File 2177, an act relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability.

House File 2202, an act relating to permissible acts related to real estate sales, exchanges, purchases, rentals, leases, or advertising by licensees and nonlicensees.

House File 2207, an act relating to the state transportation commission's planning process and federal funding.

House File 2230, an act relating to the duties of the department of inspections and appeals concerning liens on improper provider payments from the department of human services, the administration of certain health care statutes, and the conducting of audits.

House File 2318, an act relating to the licensure and practice of land surveying, to the unlawful practice of land surveying, architecture, and professional engineering, and establishing a civil penalty.

House File 2397, an act relating to linked investments and establishing an effective date.

House File 2409, an act relating to the regulation of activities of state banks and state bank affiliates, interstate branching or banking, and personnel of the banking division, state banks, and state bank affiliates, and the regulation of financial transactions involving such entities and personnel.

Senate File 2219, an act relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty.

Senate File 2235, an act relating to the use of alternative licensing for nursing facilities and providing for a contingent effective date.

Senate File 2282, an act relating to the requirement of notifying a consumer of a change in the terms of an open-end credit agreement.

Senate File 2423, an act prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable.

PRESENTATION OF VISITORS

Brauns of Muscatine presented to the House the Honorable Virgil Corey, former member of the House representing Louisa County.

Schulte of Linn presented to the House the Honorable Emil Novak, former member of the House representing Linn County.

The Speaker announced the following visitors were present in the House chamber:

Seventy-seven fourth grade students from Bondurant-Farrar Elementary School, Maxwell, accompanied by Ginger Palmer, Jill Tidman, Karen Toot and Michelle Pomeranke. By Disney of Polk.

Sixty fifth grade students from BCLUW Middle School, Union, accompanied by Mary Pieper, John Ehn and Stacy Simpson. By Garman of Story, Renken of Grundy and Sukup of Franklin.

Four students from the Philippines, Netherlands and Switzerland participating in the Youth for Understanding Program at Clinton Community College, Clinton, accompanied by Cheryl Tack, Darryl, Judy and Daniel Waugh. By Ollie of Clinton.

Ten students from Quakerdale Residential Home, New Providence, accompanied by Martie Gere. By Sukup of Franklin.

Sixty eleventh grade students from Colo-Nesco High School, Colo, accompanied by Steve Lively, Steve Buhrow and Janis MaGruder. By Garman of Story.

Two eighth grade students from Lewis Central Middle School, Council Bluffs, accompanied by Pat Thomas-Jones. By Nelson and Siegrist of Pottawattamie.

Forty-six senior students from Washington High School, Vinton, accompanied by Sharyl Stulken. By Brand of Benton.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\444 Viola Schug, Lake City – For celebrating her Ninetieth birthday.
- 1996\445 Don Anderson, Toledo – For his fifty years of service in the American Legion.
- 1996\446 Don Boles, Toledo – For his fifty years of service in the American Legion.
- 1996\447 Dale Bratton, Toledo – For his fifty years of service in the American Legion.
- 1996\448 Ken Kolpin, Activities Director, South Tama Community School, Tama – For his thirty-five years of dedicated service to high school activities.
- 1996\449 Judy Robb, North Tama Junior High School, Traer – For being named "Iowa's Outstanding History Teacher."
- 1996\450 Chris Bonfig, St. Joseph Community School, New Hampton – For winning the Iowa Spelling Championship.
- 1996\451 Shawn Brogan, New Hampton – For being selected Miss Iowa 1996.
- 1996\452 Mike Dahm, New Hampton – For winning the National Grocery Bagging Contest.

- 1996\453 Sara Becker, New Hampton High School – For winning 1st place in the solo competition of the Northern Festival of Bands.
- 1996\454 Stacia Osterhaus, Dyersville – For celebrating her Eighty-ninth birthday.
- 1996\455 Seth Riggs, Atlantic – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\456 Bill Lawson, Atlantic – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 2492

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

Senate File 2458

Appropriations: Millage, Chair; Gipp and Koenigs.

Senate File 2464

Appropriations: Metcalf, Chair; Gipp and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 753

Appropriations: Gipp, Chair; Metcalf and Murphy.

House Study Bill 754

Ways and Means: Van Fossen, Chair; Disney and Weigel.

House Study Bill 755

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

House Study Bill 756

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2464, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5896 April 9, 1996.

Committee Bill (Formerly House Study Bill 753), relating to the compensation and benefits for public officials and employees and making appropriations.

Fiscal Note is not required.

Recommended Amend and Do Pass April 9, 1996.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 2453, a bill for an act relating to boilers and unfired steam pressure vessels by providing for the inspection of certain unfired steam pressure vessels, the procedure for adopting rules, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass April 8, 1996.

COMMITTEE ON WAYS AND MEANS

Senate File 2298, a bill for an act relating to the awarding of costs to a prevailing taxpayer in a proceeding against the department of revenue and finance under the state tax procedures and practices Act and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5894 April 9, 1996.

Committee Bill (Formerly House Study Bill 754), relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees.

Fiscal Note is not required.

Recommended Do Pass April 9, 1996.

AMENDMENTS FILED

H—5877	H.F.	2383	Senate Amendment
H—5878	S.F.	2154	Senate Amendment
H—5881	H.F.	2490	Weigel of Chickasaw
H—5882	H.F.	2490	Weigel of Chickasaw
H—5883	S.F.	2138	Carroll of Poweshiek
H—5885	S.F.	2406	O'Brien of Boone
H—5886	H.F.	2494	Millage of Scott
H—5888	S.F.	284	Doderer of Johnson
			Kreiman of Davis
			Myers of Johnson
			Holveck of Polk

H—5889	S.F.	2256	Martin of Scott Lamberti of Polk
H—5890	H.F.	2496	Vande Hoef of Osceola
H—5894	S.F.	2298	Committee on Ways and Means
H—5895	H.F.	2496	Weigel of Chickasaw
H—5896	S.F.	2464	Committee on Appropriations
H—5899	H.F.	2259	Senate Amendment
H—5900	H.F.	2312	Halvorson of Clayton
H—5901	H.F.	2496	Weigel of Chickasaw
H—5902	S.F.	2256	Lamberti of Polk Heaton of Henry Cohon of Des Moines
H—5903	H.F.	2447	Holveck of Polk Shoultz of Black Hawk Burnett of Story Bernau of Story
H—5908	H.F.	2490	Weigel of Chickasaw

On motion by Siegrist of Pottawattamie, the House adjourned at 7:02 p.m., until 8:45 a.m., Wednesday, April 10, 1996.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day – Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 10, 1996

The House met pursuant to adjournment at 8:45 a.m., Van Maanen of Marion in the chair.

Prayer was offered by Reverend David McCall, First Baptist Church, Shenandoah.

The Journal of Tuesday, April 9, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jacobs of Polk, on request of Siegrist of Pottawattamie; Taylor of Linn, on request of Schrader of Marion.

INTRODUCTION OF BILLS

House File 2497, by committee on appropriations, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Read first time and placed on the **appropriations calendar**.

House File 2498, by committee on ways and means, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 2300**, a bill for an act relating to the willful destruction of E911 addressing signs and providing a penalty, previously deferred and placed on the unfinished business calendar.

Greiner of Washington asked and received unanimous consent to withdraw amendment H-5609 filed by her on March 26, 1996.

Greiner of Washington offered the following amendment H-5716 filed by her and moved its adoption:

H-5716

- 1 Amend Senate File 2300, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
4 following:
- 5 "Section 1. Section 34A.6A, Code 1995, is amended
6 to read as follows:
- 7 34A.6A ALTERNATIVE SURCHARGE.
- 8 1. Notwithstanding section 34A.6, the board may
9 request imposition of a surcharge in an amount up to
10 two dollars and fifty cents per month on each
11 telephone access line. The board shall submit the
12 question of the surcharge to voters in the same manner
13 as provided in section 34A.6. If approved, the
14 surcharge may be collected for a period of no more
15 than twenty-four months unless the period is extended
16 as provided in subsection 2. At the end of the
17 twenty-four-month period, the rate of the surcharge
18 shall revert to one dollar per month, per access line.
- 19 2. Notwithstanding the twenty-four-month
20 limitation imposed by the voters in subsection 1, at
21 the end of the initial period during which a surcharge
22 of two dollars and fifty cents per month per access
23 line is imposed, the board, upon a determination that
24 insufficient funds are available to the board to
25 complete the E911 service plan due to personnel costs
26 directly associated with addressing, may extend the
27 period during which the two dollar and fifty cent
28 surcharge is to be imposed by a period of no more than
29 twelve additional months. The board shall only extend
30 such period after conducting a public hearing to allow
31 for public comment on such action."
- 32 2. Page 1, line 4, by striking the word "signage"
33 and inserting the following: "sign".
- 34 3. Page 1, line 5, by striking the word
35 "residence" and inserting the following: "residence,
36 business,".
- 37 4. Page 1, line 7, by inserting after the word
38 "misdemeanor." the following: "Each violation of this
39 section constitutes a separate offense."
- 40 5. Title page, line 1, by inserting after the
41 word "to" the following: "the extension of time
42 during which an alternative surcharge may be imposed
43 for E911 and".
- 44 6. By renumbering as necessary.

Amendment H-5716 was adopted.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2300)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Gipp	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 2:

Fallon	Garman
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Absent or not voting, 6:

Bogges	Churchill	Greig	Jacobs
Salton	Taylor		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENTS CONSIDERED

Boddicker of Cedar called up for consideration **House File 2144**, a bill for an act relating to the payment by third parties of physician assistants and advanced registered nurse practitioners, amended by the Senate amendment H-5845 as follows:

H-5845

- 1 Amend House File 2144, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 2, line 14, by striking the words "or
4 the" and inserting the following: ", the physician-
5 physician assistant team, the advanced registered
6 nurse practitioner, or the advanced registered".

Metcalf of Polk offered the following amendment H-5909, to the Senate amendment H-5845, filed by her from the floor and moved its adoption:

H-5909

1 Amend the Senate amendment, H-5845, to House File
2 2144, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 6 the
5 following:
6 "_. Page 2, line 19, by inserting after the
7 word "arrangement." the following: "For the purposes
8 of this section, "physician-physician assistant team"
9 means any affiliation of one or more physician
10 assistant supervising physicians and one or more
11 physician assistants in which the physician assistant
12 has an equity interest investment, which shall not
13 exceed a twenty percent ownership interest, in the
14 medical practice or assets of the medical practice
15 through which the physician-physician assistant team
16 provides medical services.""
17 2. By renumbering as necessary.

Amendment H-5909 lost.

On motion by Boddicker of Cedar, the House concurred in the Senate amendment H-5845.

Boddicker of Cedar moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2144)

The ayes were, 88:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bradley	Brammer
Brand	Branstad	Brauns	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton

Holveck	Houser	Hurley	Huseman
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Veenstra	Warnstadt	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 8:

Brunkhorst	Carroll	Dinkla	Grundberg
Metcalfe	Renken	Vande Hoef	Weidman

Absent or not voting, 4:

Bogges	Jacobs	Salton	Taylor
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Bradley of Clinton called up for consideration **Senate File 259**, a bill for an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5855 to the House amendment:

H-5855

- 1 Amend the House amendment, S-5636, to Senate File
- 2 259, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 3 the
- 4 following:
- 5 "Section 1. Section 142.3, Code 1995, is amended
- 6 to read as follows:
- 7 142.3 NOTIFICATION OF DEPARTMENT.
- 8 Every county medical examiner, person holding a
- 9 cremation establishment license, funeral director, or
- 10 embalmer, and or the managing officer of every public
- 11 asylum, hospital, county care facility, penitentiary,
- 12 or reformatory, as soon as any dead body shall come
- 13 into the person's custody which may be used for
- 14 scientific purposes as provided in sections 142.1 and

15 142.2, shall at once notify the nearest relative or
16 friend of the deceased, if known, and the Iowa
17 department of public health by telegram, and hold such
18 body unburied or not cremated for forty-eight hours.
19 Upon receipt of such telegram the department shall
20 telegraph instructions relative to the disposition to
21 be made of said body. Complete jurisdiction over said
22 bodies is vested exclusively in the Iowa department of
23 public health. No autopsy or post mortem, except as
24 are legally ordered by county medical examiners, shall
25 be performed on any of said bodies prior to their
26 delivery to the medical schools.

27 Sec. 2. Section 144.27, Code 1995, is amended to
28 read as follows:

29 144.27 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S
30 DUTY.

31 The A funeral director or person holding a
32 cremation establishment license who first assumes
33 custody of a dead body shall file the death
34 certificate, obtain the personal data from the next of
35 kin or the best qualified person or source available
36 and obtain the medical certification of cause of death
37 from the person responsible for issuing and signing
38 the certification. When a person other than a funeral
39 director or person holding a cremation establishment
40 license assumes custody of a dead body, the person
41 shall be responsible for carrying out the provisions
42 of this section.

43 Sec. 3. Section 144.30, Code 1995, is amended to
44 read as follows:

45 144.30 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S
46 DUTY.

47 The A funeral director or person holding a
48 cremation establishment license who first assumes
49 custody of a fetus shall file the fetal death
50 certificate. In the absence of such a person, the

Page 2

1 physician or other person in attendance at or after
2 the delivery shall file the certificate of fetal
3 death. The person filing the certificate shall obtain
4 the personal data from the next of kin or the best
5 qualified person or source available and shall obtain
6 the medical certification of cause of death from the
7 person responsible for issuing and signing the
8 certification. When a person other than a funeral
9 director or person holding a cremation establishment
10 license assumes custody of a fetus, the person shall
11 be responsible for carrying out the provisions of this
12 section.

13 Sec. 4. Section 144.32, unnumbered paragraphs 1
14 and 2, Code 1995, are amended to read as follows:

15 If a person other than a funeral director or person
16 holding a cremation establishment license assumes
17 custody of a dead body or fetus, the person shall
18 secure a burial-transit permit. To be valid, the
19 burial-transit permit must be issued by the county
20 medical examiner, a funeral director, a person holding
21 a cremation establishment license, or the county
22 registrar of the county where the certificate of death
23 or fetal death was filed. The permit shall be
24 obtained prior to the removal of the body or fetus
25 from the place of death and the permit shall accompany
26 the body or fetus to the place of final disposition.

27 To transfer a dead body or fetus outside of this
28 state, the funeral director or person holding a
29 cremation establishment license who first assumes
30 custody of the dead body or fetus shall obtain a
31 burial-transit permit prior to the transfer. The
32 permit shall accompany the dead body or fetus to the
33 place of final disposition.

34 Sec. 5. Section 144.49, Code 1995, is amended to
35 read as follows:

36 144.49 ADDITIONAL RECORD BY FUNERAL DIRECTOR OR
37 LICENSED CREMATOR.

38 A funeral director, person holding a cremation
39 establishment license, or other person who removes
40 from the place of death or transports or finally
41 disposes of a dead body or fetus, in addition to
42 filing any certificate or other form required by this
43 chapter, shall keep a record which shall identify the
44 body, and information pertaining to the funeral
45 director's or other person's receipt, removal, and
46 delivery of the body as prescribed by the department."

47 2. Page 1, by inserting after line 23 the
48 following:

49 "_. Page 1, by inserting after line 12 the
50 following:

Page 3

1 "2A. "Cremation director" means a person licensed
2 by the department to establish, conduct, or maintain a
3 cremation establishment as provided in section 156.16,
4 and provide any aspect of mortuary science pertaining
5 to the performance of cremations."

6 _. Page 1, by striking line 14 and inserting
7 the following: "defined and licensed by the
8 department which provides cremation".

9 _. Page 1, by striking lines 26 through 28 and
10 inserting the following:

11 "a. Preparing, for the burial, or disposal, or
12 cremation, or directing and supervising the burial, or
13 disposal, or cremation of dead human bodies."

14 _. Page 1, line 30, by inserting after the word

15 "embalming," the following: "or making cremation
16 arrangements or furnishing cremation services".

17 __. Page 1, line 33, by inserting after the word
18 ""mortician"" the following: ", or "cremation
19 director".

20 __ Page 1, line 35, by inserting after the word
21 "director" the following: "or cremation director".

22 __. Page 2, line 6, by inserting after the word
23 "disinfection" the following: ", or by performing
24 cremation upon a dead human body".

25 __. Page 2, line 14, by inserting after the word
26 "director," the following: "or by a cremation
27 director with respect to cremations".

28 __. Page 2, line 15, by inserting after the word
29 "funeral" the following: "or cremation".

30 __. Page 5, by striking lines 9 and 10 and
31 inserting the following:

32 "Sec. 7. NEW SECTION. 156.14 FUNERAL
33 ESTABLISHMENT LICENSE."

34 __. Page 5, line 12, by striking the words "or a
35 cremation establishment".

36 __. Page 5, by striking lines 25 through 28 and
37 inserting the following: "conduct of a funeral
38 establishment.

39 3. To qualify for a funeral establishment license,
40 the applicant shall submit to the board".

41 __. Page 6, by striking lines 9 and 10 and
42 inserting the following:

43 "Sec. __. NEW SECTION. 156.15 FUNERAL
44 ESTABLISHMENTS - LICENSE REQUIRED - DISCIPLINE."

45 __. Page 6, by striking line 12 and inserting
46 the following:

47 "1. A funeral establishment".

48 __. Page 7, by inserting after line 2 the
49 following:

50 "Sec. __. NEW SECTION. 156.16 CREMATION

Page 4

1 ESTABLISHMENT LICENSE.

2 1. A person shall not establish, conduct, or
3 maintain a cremation establishment in this state
4 without a license. The license shall be identified as
5 a cremation establishment license.

6 a. A cremation establishment license issued by the
7 department under this chapter shall be issued for a
8 site and in the name of the individual in charge and
9 is not transferable or assignable.

10 b. A license is required for each place of
11 practice.

12 c. The license shall be displayed.

13 2. The department shall specify by rule pursuant
14 to chapter 17A the licensing procedures to be

15 followed, including specifications of forms for use in
16 applying for an establishment license and fees for
17 filing an application. The department shall specify
18 by rule minimum standards for professional
19 responsibility in the conduct of a cremation
20 establishment.

21 3. To qualify for a cremation establishment
22 license, the applicant shall submit to the department
23 a license fee as determined by the department that
24 shall include the following information and be given
25 under oath:

26 a. Ownership of the establishment.

27 b. Location of the establishment.

28 c. The trade or corporate name of the
29 establishment.

30 d. The name of the individual in charge, who has
31 the authority and responsibility for the
32 establishment's compliance with laws and rules
33 pertaining to the operation of the establishment.

34 4. A person who falsely makes the affidavit
35 prescribed in subsection 3 is subject to all penalties
36 prescribed for making a false affidavit.

37 Sec. ____ NEW SECTION. 156.17 CREMATION
38 ESTABLISHMENTS - LICENSE REQUIRED - PENALTIES.

39 1. A cremation establishment shall not be operated
40 until a license or renewal certificate has been issued
41 to the establishment by the department.

42 2. The department shall refuse to issue a
43 cremation establishment license when an applicant
44 fails to meet the requirements of section 156.16. The
45 department may refuse to issue or renew a license or
46 may impose a penalty, not to exceed two thousand
47 dollars, issue a reprimand, or revoke, restrict,
48 cancel, or suspend a license, and may place a licensee
49 on probation, if the department finds that the
50 applicant or licensee has done any of the following:

Page 5

1 a. Been convicted of a felony or a misdemeanor
2 involving moral turpitude, or if the applicant is an
3 association, joint stock company, partnership, or
4 corporation, that a managing officer has been
5 convicted of a felony or a misdemeanor involving moral
6 turpitude, under the laws of this state, another
7 state, or the United States.

8 b. Violated this chapter or any rule adopted under
9 this chapter.

10 c. Failed to engage in or ceased to engage in the
11 business described in the application for a license.

12 3. Failed to keep and maintain records as required
13 by this chapter or rules adopted under this chapter."

14 3. Page 1, by inserting after line 44 the
15 following:

- 16 ____ Title page, line 1, by inserting after the
 17 word "the" the following: "care of a dead body or
 18 fetus,".
- 19 ____ Title page, line 2, by striking the words
 20 "and licensing" and inserting the following:
 21 "licensing".
- 22 ____ Title page, line 2, by inserting after the
 23 word "establishments" the following: "and cremation
 24 establishments,".

The motion lost and the House refused to concur in the Senate amendment H-5855, to the House amendment.

IMMEDIATE MESSAGES

Renken of Grundy asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2144 and Senate File 259.**

Unfinished Business Calendar

The House resumed consideration of **Senate File 2256**, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty, previously deferred and placed on the unfinished business calendar.

Lamberti of Polk offered the following amendment H-5889 filed by Martin and him and moved its adoption:

H-5889

- 1 Amend Senate File 2256, as passed by the Senate, as
 2 follows:
- 3 1. Page 1, by inserting before line 1 the
 4 following:
- 5 "Section 1. Section 123.47, Code Supplement 1995,
 6 is amended to read as follows:
 7 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -
 8 PENALTY.
- 9 A person shall not sell, give, or otherwise supply
 10 alcoholic liquor, wine, or beer to any person knowing
 11 or having reasonable cause to believe that person to
 12 be under the age of eighteen, and a person or persons
 13 under the age of eighteen shall not purchase or
 14 attempt to purchase, or individually or jointly have
 15 alcoholic liquor, wine, or beer in their possession or
 16 control; except in the case of liquor, wine, or beer
 17 given or dispensed to a person under the age of
 18 eighteen within a private home and with the knowledge,
 19 presence, and consent of the parent or guardian, for
 20 beverage or medicinal purposes or as administered to
 21 the person by either a physician or dentist for

- 22 medicinal purposes and except to the extent that a
23 person under the age of eighteen may handle alcoholic
24 beverages, wine, and beer during the regular course of
25 the person's employment by a liquor control licensee,
26 or wine or beer permittee under this chapter. A
27 person, other than a licensee or permittee, who
28 violates this section regarding the purchase of or
29 attempt to purchase alcoholic liquor, wine, or beer
30 shall pay a ~~twenty-five~~ seventy-five dollar penalty.”
- 31 2. Page 1, lines 13 through 16, by striking the
32 words “or with the signed, written consent of the
33 parent or guardian specifying the date and place for
34 the consumption and displayed by the person upon
35 demand,” and inserting the following: “~~or with the~~
36 ~~signed, written consent of the parent or guardian~~
37 ~~specifying the date and place for the consumption and~~
38 ~~displayed by the person upon demand,”.~~”
- 39 3. Page 1, line 27, by striking the word “fifty”
40 and inserting the following: “fifty one hundred”.
- 41 4. By renumbering as necessary.

Amendment H-5889 was adopted.

Lamberti of Polk offered the following amendment H-5902 filed by
Lamberti, et. al., and moved its adoption:

H-5902

- 1 Amend Senate File 2256, as passed by the Senate, as
2 follows:
- 3 1. Page 2, by inserting after line 2 the
4 following:
- 5 “Sec. ____ Section 123.49, subsection 1,
6 unnumbered paragraph 1, Code 1995, is amended to read
7 as follows:
- 8 A person shall not sell, ~~dispense, or give to an~~
9 ~~intoxicated person, or one simulating intoxication, or~~
10 otherwise supply any alcoholic liquor beverage, wine,
11 or beer to any other person knowing or having
12 reasonable cause to believe the other person to be
13 intoxicated or simulating intoxication.”
- 14 2. Title page, lines 1 and 2, by striking the
15 words “by persons aged eighteen, nineteen, and
16 twenty,”.
- 17 3. By renumbering as necessary.

Amendment H-5902 was adopted.

Disney of Polk offered amendment H-5911 filed by him from the
floor as follows:

H-5911

- 1 Amend Senate File 2256, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 123.28, unnumbered paragraph
6 2, Code 1995, is amended by striking the unnumbered
7 paragraph."

8 2. Page 2, by inserting after line 2 the
9 following:

10 "Sec. ____ NEW SECTION. 321.281 OPEN CONTAINER
11 OR RECEPTACLE IN MOTOR VEHICLE - ALCOHOLIC BEVERAGE.

12 A person driving a motor vehicle shall not
13 knowingly possess in a motor vehicle upon a public
14 street or highway an open or unsealed bottle, can,
15 jar, or other receptacle containing an alcoholic
16 beverage with the intent to consume the alcoholic
17 beverage while the motor vehicle is upon a public
18 street or highway. Evidence that an open or unsealed
19 receptacle containing an alcoholic beverage was found
20 during an authorized search in the glove compartment,
21 utility compartment, console, front passenger seat, or
22 any unlocked portable device and within the immediate
23 reach of the driver while the motor vehicle is upon a
24 public street or highway is evidence from which the
25 court or jury may infer that the driver intended to
26 consume the alcoholic beverage while upon the public
27 street or highway if the inference is supported by
28 corroborative evidence. However, an open or unsealed
29 receptacle containing an alcoholic beverage may be
30 transported at any time in the trunk of the motor
31 vehicle or in some other area of the interior of the
32 motor vehicle not designed or intended to be occupied
33 by the driver and not readily accessible to the driver
34 while the motor vehicle is in motion. A person
35 convicted of a violation of this paragraph is guilty
36 of a misdemeanor and subject only to the imposition of
37 a scheduled fine under section 805.8, subsection 2,
38 paragraph "z". An abstract of the conviction shall be
39 forwarded to the department for inclusion on the
40 person's driving record. A conviction under this
41 section shall be counted as a moving violation on the
42 person's driving record.

43 Sec. ____ Section 805.8, subsection 2, Code
44 Supplement 1995, is amended by adding the following
45 new paragraph:

46 NEW PARAGRAPH. z. For violation of open container
47 provisions under section 321.281, the scheduled fine
48 is twenty dollars."

49 3. Title page, lines 1 and 2, by striking the
50 words "by persons aged eighteen, nineteen, and

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1 twenty".

2 4. By renumbering as necessary.

Weigel of Chickasaw rose on a point of order that amendment H-5911 was not germane.

The Speaker ruled the point well taken and amendment H-5911 not germane.

Harrison of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2256)

The ayes were, 84:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Burnett	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Daggett	Disney	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jochum	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 10:

Bernau	Brunkhorst	Cormack	Dinkla
Drees	Fallon	Kreiman	Moreland
Warnstadt	Weigel		

Absent or not voting, 6:

Brammer	Carroll	Jacobs	Salton
Schulte	Taylor		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2256** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Coon of Warren presented to the House John Banzhaf, Executive Director of Action on Smoking and Health (ASH), who presented a \$1,000 scholarship to Mike Post, a 13 year old student at Norwalk Community School District, Norwalk. Mike was a winner in a national letter writing contest sponsored by ASH.

The House rose and expressed its appreciation.

SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **House File 334**, a bill for an act relating to the hearing and election provisions of the instructional support program of school districts, amended by the Senate, and moved that the House concur in the following Senate amendment H—5601:

H-5601

1 Amend House File 334, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 257.18, subsection 1, Code
6 Supplement 1995, is amended to read as follows:
7 1. An instructional support program that provides
8 additional funding for school districts is
9 established. A board of directors that wishes to
10 consider participating in the instructional support
11 program shall hold a public hearing on the question of
12 participation. The board shall set forth its
13 proposal, including the method that will be used to
14 fund the program, in a resolution and shall publish
15 the notice of the time and place of a public hearing
16 on the resolution. Notice of the time and place of
17 the public hearing shall be published ~~in one or more~~
18 ~~newspapers~~ not less than ten nor more than twenty days
19 before the public hearing. ~~For the purpose of~~
20 ~~establishing and giving assured circulation to the~~
21 ~~proceedings, only in~~ a newspaper which is a newspaper
22 of general circulation ~~issued at a regular frequency,~~
23 ~~distributed in the school district's area, and~~
24 ~~regularly delivered or mailed through the post office~~
25 ~~during the preceding two years may be used for the~~
26 ~~publication in the school district. In addition, the~~
27 ~~newspaper must have a list of subscribers who have~~

28 ~~paid, or promised to pay, at more than a nominal rate,~~
29 ~~for copies to be received during a stated period. At~~
30 ~~the hearing, the board shall announce a date certain,~~
31 ~~or no later than thirty days after the date of the~~
32 ~~hearing, that it will the board shall take action to~~
33 ~~adopt a resolution to participate in the instructional~~
34 ~~support program for a period not exceeding five years~~
35 ~~or to direct the county commissioner of elections to~~
36 ~~call an election to submit the question of~~
37 ~~participation in the program for a period not~~
38 ~~exceeding ten years to the registered voters of the~~
39 ~~school district at the next following regular school~~
40 ~~election in the base year or at a special election~~
41 ~~held not later than December 1 of the base year. If~~
42 ~~the board calls submits the question at an election on~~
43 ~~the question of participation, if and a majority of~~
44 ~~those voting on the question favors participation in~~
45 ~~the program, the board shall adopt a resolution to~~
46 ~~participate and certify the results of the election to~~
47 ~~the department of management.~~
48 Sec. 2. Section 257.18, subsection 2, unnumbered
49 paragraph 1, Code Supplement 1995, is amended to read
50 as follows:

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1 If the board does not provide for an election and
2 adopts a resolution to participate in the
3 instructional support program, the district shall
4 participate in the instructional support program
5 unless within twenty-eight days following the action
6 of the board, the secretary of the board receives a
7 petition containing the required number of signatures,
8 asking that an election be called to approve or
9 disapprove the action of the board in adopting the
10 instructional support program. The petition must be
11 signed by eligible electors equal in number to not
12 less than one hundred or thirty percent of the number
13 of voters at the last preceding regular school
14 election, whichever is greater. The board shall
15 either rescind its action or direct the county
16 commissioner of elections to submit the question to
17 the registered voters of the school district at the
18 next following regular school election or a special
19 ~~election held not later than December 1 of the base~~
20 ~~year.~~ If a majority of those voting on the question
21 at the election favors disapproval of the action of
22 the board, the district shall not participate in the
23 instructional support program. If a majority of those
24 voting on the question favors approval of the action,
25 the board shall certify the results of the election to
26 the department of management and the district shall
27 participate in the program.”

The motion prevailed and the House concurred in the Senate amendment H—5601.

Grubbs of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 334)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Grubbs	Jacobs	Salton
Taylor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2211**, a bill for an act relating to fingerprinting requirements for certain public offenses, previously deferred and placed on the unfinished business calendar.

Harrison of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2211)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Hárper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Boddicker	Brammer	Brunkhorst	Jacobs
Salton	Taylor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 334 and Senate File 2211.**

The House resumed consideration of **House File 2475**, a bill for an act providing for the regulation of investment securities under Article

8 of the Uniform Commercial Code, and providing conforming changes, and an effective date, previously deferred and placed on the unfinished business calendar.

Nutt of Woodbury offered the following amendment H-5410 filed by him and moved its adoption:

H-5410

1 Amend House File 2475 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 511.8, subsection 21,
5 paragraph a, subparagraph (1), Code 1995, is amended
6 to read as follows:

7 (1) "Clearing corporation" means a corporation as
8 defined in section 554.8102, ~~subsection 3.~~

9 Sec. ____ Section 515.35, subsection 2, paragraphs
10 b and c, Code 1995, are amended to read as follows:

11 b. "Clearing corporation" means as defined in
12 section 554.8102, ~~subsection 3.~~

13 c. "Custodian bank" means ~~as defined in section~~
14 ~~554.8102, subsection 4~~ a bank or trust company that is
15 supervised and examined by state or federal authority
16 having supervision over banks and is acting as
17 custodian for a clearing corporation.

18 Sec. ____ Section 518.14, subsection 2, paragraph
19 c, Code Supplement 1995, is amended to read as
20 follows:

21 c. "Custodian bank" means as defined in section
22 ~~554.8102~~ 515.35.

23 Sec. ____ Section 518A.12, subsection 2, paragraph
24 c, Code Supplement 1995, is amended to read as
25 follows:

26 c. "Custodian bank" means as defined in section
27 ~~554.8102~~ 515.35."

28 2. Page 2, by inserting after line 6 the
29 following:

30 "Sec. ____ Section 554.5114, subsection 2,
31 paragraph a, Code 1995, is amended to read as follows:

32 a. the issuer must honor the draft or demand for
33 payment if honor is demanded by a negotiating bank or
34 other holder of the draft or demand which has taken
35 the draft or demand under the credit and under
36 circumstances which would make it a holder in due
37 course (section 554.3302) and in an appropriate case
38 would make it a person to whom a document of title has
39 been duly negotiated (section 554.7502) or a ~~bona-fide~~
40 purchaser of a certificated or uncertificated security
41 who acquires rights in a security (section 554.8302);
42 and".

43 3. Page 11, line 11, by striking the word "State"
44 and inserting the following: "state".

- 45 4. Page 17, line 25, by striking the figure "4"
46 and inserting the following: "4."
47 5. Page 20, line 3, by inserting before the word
48 "security" the following: "a".
49 6. Page 20, line 9, by striking the words "its
50 guaranty, whether or not".

Page 2

- 1 7. Page 22, line 21, by striking the word
2 "director" and inserting the following: "directly".
3 8. Page 24, line 2, by striking the words "if the
4 purchaser" and inserting the following: "purchaser".
5 9. Page 24, line 4, by striking the word "sent,"
6 and inserting the following: "sent;".
7 10. Page 24, line 12, by striking the words
8 "paragraph "a"" and inserting the following:
9 "subsection 1".
10 11. Page 33, line 18, by striking the word "by".
11 12. Page 33, lines 26 and 27, by striking the
12 figures "554.8402 554.8403" and inserting the
13 following: "554.8402".
14 13. Page 34, line 29, by striking the word
15 "endorsement" and inserting the following:
16 "endorsement indorsement".
17 14. Page 34, line 32, by striking the word
18 "endorsement" and inserting the following:
19 "endorsement indorsement".
20 15. Page 34, line 33, by striking the word
21 "fiduciary," and inserting the following:
22 "fiduciary,".
23 16. Page 35, line 11, by striking the word
24 "Guarantee" and inserting the following: "Guaranty".
25 17. Page 35, line 12, by striking the word
26 "guarantee" and inserting the following: "guarantee
27 guaranty".
28 18. Page 36, line 24, by striking the figure
29 "(1)" and inserting the following: "(i)".
30 19. Page 36, line 26, by striking the figure
31 "(2)" and inserting the following: "(ii)".
32 20. Page 37, line 3, by inserting after the
33 letter "'c,'" the following: "may".
34 21. Page 45, line 1, by inserting after the words
35 "to the" the following: "entitlement holder for
36 damages."
37 22. Page 50, by inserting after line 7 the
38 following:
39 "Control" Section 554.9115".
40 23. Page 53, line 35, by striking the letter and
41 word "e. priority" and inserting the following: "5.
42 Priority"
43 24. Page 54, line 2, by striking the figure "(1)"
44 and inserting the following: "a."

- 45 25. Page 54, line 6, by striking the figure "(2)"
46 and inserting the following: "b."
47 26. Page 54, line 9, by striking the figure "(3)"
48 and inserting the following: "c."
49 27. Page 54, line 14, by striking the figure
50 "(4)" and inserting the following: "d."

Page 3

- 1 28. Page 54, line 19, by striking the figure
2 "(5)" and inserting the following: "e."
3 29. Page 54, line 22, by striking the figure
4 "(6)" and inserting the following: "f."
5 30. Page 54, line 26, by striking the letter and
6 word "f. if" and inserting the following: "6. If"
7 31. Page 55, line 30, by striking the word
8 "interest" and inserting the following: "interests".
9 32. Page 56, line 11, by striking the word "and"
10 and inserting the following: "and".
11 33. Page 57, line 16, by striking the word "a".
12 34. Page 60, by inserting after line 10 the
13 following:
14 "Sec. ____ Section 633.89, unnumbered paragraph 1,
15 Code 1995, is amended to read as follows:
16 A fiduciary as defined in section 633.3, ~~subsection~~
17 ~~17~~, holding securities, and a bank as defined in
18 section 524.103, ~~subsection 7~~, which is holding
19 securities as a managing agent or as a custodian,
20 including a custodian for a fiduciary, may deposit
21 securities in a clearing corporation, as defined in
22 section 554.8102, ~~subsection 3~~, which is located
23 within or without the state of Iowa, if the clearing
24 corporation is federally regulated. A depositing bank
25 is subject to rules adopted by the superintendent of
26 banking, with respect to state banks, and by the
27 comptroller of the currency, with respect to national
28 banking associations."
29 35. Page 60, by inserting after line 34 the
30 following:
31 "Sec. ____ Sections 633.130 through 633.138, Code
32 1995, are repealed.
33 Sec. ____ PREVAILING STATUTE. If 1996 Iowa Acts,
34 Senate File 2270, or 1996 Iowa Acts, House File 2402,
35 is enacted, either of those Acts prevails over the
36 amendments to section 554.5114 in this Act."
37 36. By renumbering as necessary.

Amendment H-5410 was adopted.

SENATE FILE 2368 SUBSTITUTED FOR HOUSE FILE 2475

Nutt of Woodbury asked and received unanimous consent to substitute Senate File 2368 for House File 2475.

Senate File 2368, a bill for an act providing for the regulation of investment securities under Article 8 of the Uniform Commercial Code, and providing conforming changes, and an effective date, was taken up for consideration.

Nutt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2368)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Jacobs	Mertz	Salton
Taylor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2475 WITHDRAWN

Nutt of Woodbury asked and received unanimous consent to withdraw House File 2475 from further consideration by the House.

The House resumed consideration of **Senate File 2344**, a bill for an act relating to child support enforcement, previously deferred and placed on the unfinished business calendar.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H-5876 filed by him on April 8, 1996.

Harrison of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2344)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammit Barry	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Brammer	Grubbs	Hanson	Jacobs
Larkin	Larson	Salton	Taylor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2249**, a bill for an act relating to payments by counties and certain defendants of the fees and expenses received by a county medical examiner in investigating a person's death, previously deferred and placed on the unfinished business calendar:

SENATE FILE 2359 SUBSTITUTED FOR HOUSE FILE 2249

Welter of Jones asked and received unanimous consent to substitute Senate File 2359 for House File 2249.

Senate File 2359, a bill for an act relating to the source of payment of the fee and expenses of a county medical examiner related to services provided for a person whose death affects the public interest, was taken up for consideration.

Welter of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2359)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt Barry	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer
Jacobs

Corbett, Spkr.
Salton

Grubbs
Taylor

Hanson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2300, 2344, 2359 and 2368.**

HOUSE FILE 2249 WITHDRAWN

Rants of Woodbury asked and received unanimous consent to withdraw House File 2249 from further consideration by the House.

SPECIAL PRESENTATION

Grubbs of Scott presented to the House Jane Boffeli and her husband, from St. Donatus. Jane is a teacher at Fulton Elementary School in Dubuque and was recognized for saving a small girl from an attacker, while at school.

Mrs. Boffeli addressed the House briefly.

The House rose and expressed its appreciation.

The House resumed consideration of **Senate File 284**, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing penalties, previously deferred and placed on the unfinished business calendar.

Doderer of Johnson offered amendment H-5888 filed by Doderer, et. al., as follows:

H-5888

- 1 Amend Senate File 284, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 91E.3, subsection 1, Code
- 6 1995, is amended by adding the following new
- 7 paragraph:
- 8 **NEW PARAGRAPH.** e. That possession of forged
- 9 documentation authorizing the person to stay or be

- 10 employed in the United States is a class "D" felony."
11 2. Page 1, by inserting after line 22 the
12 following:
13 "Sec. ____ NEW SECTION. 715A.2A ACCOMMODATION OF
14 FORGERY - PENALTY.
15 1. An employer who hires or employs another person
16 when the employer or an agent or employee of the
17 employer knows that the document evidencing the
18 person's authorized stay or employment in the United
19 States is in violation of section 715A.2, subsection
20 2, paragraph "a", subparagraph (4) or knows that the
21 person is not authorized to be employed in the United
22 States, shall be subject to the following civil
23 penalty:
24 a. For hiring or employing one person, a penalty
25 of not less than five hundred dollars but not more
26 than one thousand dollars.
27 b. For hiring or employing two or more persons
28 whose entry, study, or employment documentation is
29 forged, a penalty of five hundred dollars per person
30 hired or employed but not more than two thousand
31 dollars per person hired or employed.
32 In addition, an employer found to have hired or
33 employed a person with forged documents authorizing
34 the person's stay or employment in the United States
35 shall be assessed the costs of the action to enforce
36 the civil penalty, including the reasonable costs of
37 investigation and attorneys' fees.
38 2. A civil action to enforce this provision shall
39 be by equitable proceedings instituted by the attorney
40 general or county attorney.
41 3. Penalties ordered pursuant to this section
42 shall be paid to the treasurer of state for deposit in
43 the general fund of the state."
44 3. Title page, line 4, by striking the word
45 "penalties" and inserting the following: "criminal
46 penalties and providing civil penalties for employers
47 hiring individuals with forged documents regarding the
48 individuals' entry into, study, or employment in the
49 United States".
50 4. By renumbering as necessary.

Rants of Woodbury in the chair at 11:46 a.m.

Gipp of Winneshiek in the chair at 11:53 a.m.

On motion by Doderer of Johnson, amendment H-5888 was adopted.

Veenstra of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 284)

The ayes were, 89:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Gipp, Presiding			

The nays were, 6:

Baker	Doderer	Ertl	Fallon
Harper	McCoy		

Absent or not voting, 5:

Brammer	Garman	Jacobs	Salton
Taylor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2427, a bill for an act relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date.

Also: That the Senate has on April 10, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2448, a bill for an act relating to public access to criminal history data maintained by the department of public safety.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 12:18 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:22 p.m., Hurley of Fayette in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 569, a bill for an act relating to the motor vehicle leasing tax and providing an applicability provision.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 570, a bill for an act relating to funding for and the name of the national center for talented and gifted education and making an appropriation.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2061, a bill for an act relating to the immunity from civil liability for health care peer review committee members.

Also: That the Senate has on April 10, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2458, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

JOHN F. DWYER, Secretary

MOTION TO RECONSIDER (Senate File 284)

I move to reconsider the vote by which Senate File 284 passed the House on April 10, 1996.

SIEGRIST of Pottawattamie

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 9, 1996. Had I been present, I would have voted "aye" on House File 2306.

HAMMITT BARRY of Harrison

I was necessarily absent from the House chamber on April 8 and 9, 1996. Had I been present, I would have voted "aye" on House Files 111, 210, 419, 2256, 2370, 2407, 2419, 2422, 2432, 2462, 2486, 2491 and "aye" on Senate Files 2071, 2114, 2123, 2131, 2158, 2171, 2201, 2204, 2218, 2294, 2303, 2305, 2396, 2399, 2420, and amendment H-5806 to Senate amendment H-5721, to House File 2449.

BRADLEY of Clinton

I was necessarily absent from the House chamber on Tuesday, April 9, 1996. Had I been present, I would have voted "aye" on House File 511 and Senate File 2399.

BRAUNS of Muscatine

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 10, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2109, an act relating to nonconsensual termination of or serious injury to a pregnancy and providing penalties.

House File 2316, an act relating to sex offenses, including enticing away a child and sentences for persons convicted of sexually predatory offenses.

Senate File 2062, an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Senate File 2063, an act establishing a school improvement technology program to fund instructional technology for school districts, the Iowa Braille and Sight Saving School, the State School for the Deaf, the Price Laboratory School, the state hospital-schools, the State Training School, and the Iowa Juvenile Home, providing for properly related matters, and making appropriations.

Senate File 2074, an act relating to the dates on which city hospital or health care facility trustees take and depart from office.

Senate File 2110, an act relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by and an anatomical gift public awareness advisory committee to be established within the Iowa Department of Public Health.

Senate File 2260, an act relating to soil and water conservation, by providing for the powers and duties of commissioners of soil and water for conservation districts, and soil and water conservation practices.

Senate File 2299, an act relating to reserve peace officers obtaining or renewing professional permits to carry weapons.

Senate File 2307, an act relating to programs available to persons with disabilities which are administered by the Department of Human Services.

Senate File 2352, an act providing that the sheriff may charge for room and board provided to county prisoners and providing for the creation and filing of a room and board reimbursement lien.

Senate File 2387, an act relating to the Department of General Services, by providing for the sale or disposal of unwanted state personal property and by establishing a monument maintenance account.

PRESENTATION OF VISITORS

Moreland of Wapello presented to the House the Honorable Sonja Larsen, former member of the House representing Wapello County.

The Speaker announced that the following visitors were present in the House chamber:

Seventy third grade students from Lincoln Elementary School, Clear Lake. By Blodgett of Cerro Gordo.

Twenty-three eighth grade students from Southeast Junior High, Iowa City, accompanied by Joyce Carman. By Doderer of Johnson.

Thirty fifth grade students from Charter Oak-Ute Elementary School, Charter Oak, accompanied by Mary Ellen Keating. By Gries of Crawford.

Thirteen Seniors from Southeast Webster, Burnside, accompanied by Jim Ainslie. By Mundie of Webster.

Forty-seven eighth grade students from Odebolt Arthur School, accompanied by Steve Walsh, Pippa Fineran and Barb Votrebek. By Meyer of Sac.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1996\457 Andrew Haemker, Decorah – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1996\458 Gary Murtinger, Principal of Black Hawk Elementary School, Waterloo – For receiving a FINE Foundation Recognition Award.

RESOLUTION FILED

HCR 125, by Meyer, a concurrent resolution to urge the federal government to ensure fair and competitive market practices for the purchase of livestock from producers by packers and livestock buyers.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5910	H.F.	2496	Halvorson of Clayton
H-5912	H.F.	2383	Arnold of Lucas
H-5913	H.F.	2495	Halvorson of Clayton
H-5914	S.F.	2365	Tyrrell of Iowa
H-5915	S.F.	2366	Bradley of Clinton
H-5916	H.F.	2427	Senate Amendment
H-5917	H.F.	2448	Senate Amendment
H-5918	S.F.	2351	Shoultz of Black Hawk
H-5919	S.F.	2245	Martin of Scott Connors of Polk
H-5920	H.F.	570	Senate Amendment
H-5921	H.F.	569	Senate Amendment
H-5922	H.F.	2458	Senate Amendment
H-5923	H.F.	570	Grubbs of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 4:24 p.m., until 8:45 a.m., Thursday, April 11, 1996.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day – Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 11, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was sung by Candy Boucher, Catholic Campus Minister, Drake University, Des Moines.

The Journal of Wednesday, April 10, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brand of Benton, on request of Schrader of Marion.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2266**, a bill for an act making transportation-related Code changes including providing for a temporary registration permit, increasing registration fees for certain trailers, and providing an effective date, previously deferred and placed on the unfinished business calendar.

Main of Jefferson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2266)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohoon	Coon
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin

Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brammer	Brand	Churchill	Connors
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Grundberg of Polk in the chair at 9:12 a.m.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2266** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Vande Hoef of Osceola called up for consideration **House File 2259**, a bill for an act relating to city sewer or water utility connections, amended by the Senate, and moved that the House concur in the following Senate amendment H-5899:

H-5899

- 1 Amend House File 2259, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 26, the
- 4 following:
- 5 "This subsection shall not apply when a city
- 6 annexation plan includes annexation of an area
- 7 adjoining the city and a petition has not been
- 8 presented as provided in section 384.41 for a city
- 9 sewer or water utility connection. Until annexation
- 10 takes place, or the annexation plan is abandoned, the
- 11 state mandate contained in section 455B.172,
- 12 subsections 3, 4, and 5, shall not apply unless the
- 13 individual property owner voluntarily pays the
- 14 connection fee and requests to be connected to the
- 15 city sewer or water utility."

The motion prevailed and the House concurred in the Senate amendment H-5899.

Vande Hoef of Osceola moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2259)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohoon	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Grundberg, Presiding		

The nays were, 1:

Fallon

Absent or not voting, 5:

Brammer	Brand	Churchill	Connors
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2487, a bill for an act relating to the price index for growth for purposes of the property tax limitation, was taken up for consideration.

Disney of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2487)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohoon	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Grundberg, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Brand	Churchill	Connors
Doderer	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2259 and 2487.**

SENATE AMENDMENTS CONSIDERED

Jacobs of Polk called up for consideration **House File 2229**, a bill for an act relating to unemployment insurance benefits by providing

for employer contributions and liability for benefits regarding successor employers, amended by the Senate, and moved that the House concur in the following Senate amendment H-5647:

H-5647

- 1 Amend House File 2229, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting before line 1 the
4 following:
- 5 "Sec. ____ Section 96.3, Code Supplement 1995, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 10. VOLUNTARY INCOME TAX
8 WITHHOLDING.
- 9 All payments of benefits made after December 31,
10 1996, are subject to the following:
- 11 a. An individual filing a new application for
12 benefits shall, at the time of filing the application,
13 be advised of the following:
- 14 (1) Benefits paid under this chapter are subject
15 to federal and state income tax.
- 16 (2) Legal requirements exist pertaining to
17 estimated tax payments.
- 18 (3) The individual may elect to have federal
19 income tax deducted and withheld from the individual's
20 payment of benefits at the amount specified in the
21 Internal Revenue Code as defined in section 422.3.
- 22 (4) The individual may elect to have Iowa state
23 income tax deducted and withheld from the individual's
24 payment of benefits at the rate of five percent.
- 25 (5) The individual shall be permitted to change
26 the individual's previously elected withholding
27 status.
- 28 b. Amounts deducted and withheld from benefits
29 shall remain in the unemployment compensation fund
30 until transferred to the appropriate taxing authority
31 as a payment of income tax.
- 32 c. The commissioner shall follow all procedures
33 specified by the United States department of labor,
34 the federal internal revenue service, and the
35 department of revenue and finance pertaining to the
36 deducting and withholding of income tax.
- 37 d. Amounts shall be deducted and withheld under
38 this subsection only after amounts are deducted and
39 withheld for any overpayment of benefits, child
40 support obligations, and any other amounts authorized
41 to be deducted and withheld under federal or state
42 law.
- 43 Sec. ____ Section 96.5, subsection 1, paragraph i,
44 Code Supplement 1995, is amended to read as follows:
- 45 i. The individual is unemployed as a result of the
46 individual's employer selling or otherwise
47 transferring a clearly segregable and identifiable

48 part of the employer's business or enterprise to
 49 another employer which does not make an offer of
 50 suitable work to the individual as provided under

Page 2

1 subsection 3; ~~however.~~ However, if the individual
 2 does accept, and works in and is paid wages for,
 3 suitable work with the acquiring employer, the
 4 ~~acquiring employer immediately becomes chargeable for~~
 5 ~~the benefits paid which are based on the wages paid by~~
 6 ~~the transferring employer shall be charged to the~~
 7 unemployment compensation fund provided that the
 8 acquiring employer has not received, or will not
 9 receive, a partial transfer of experience under the
 10 provisions of section 96.7, subsection 2, paragraph
 11 "b". Relief of charges under this paragraph applies
 12 to both contributory and reimbursable employers,
 13 notwithstanding section 96.8, subsection 5."

14 2. Page 2, by inserting after line 32 the
 15 following:

16 "Sec. ____ Section 96.11, subsection 5, Code 1995,
 17 is amended by striking the subsection.

18 Sec. ____ Section 96.11, subsection 6, Code 1995,
 19 is amended to read as follows:

20 6. EMPLOYMENT STABILIZATION. The commissioner,
 21 with the advice and aid of the ~~advisory council, and~~
 22 ~~through~~ the appropriate bureaus of the division, shall
 23 take all appropriate steps to reduce and prevent
 24 unemployment; to encourage and assist in the adoption
 25 of practical methods of vocational training,
 26 retraining and vocational guidance; to investigate,
 27 recommend, advise, and assist in the establishment and
 28 operation, by municipalities, counties, school
 29 districts, and the state, of reserves for public works
 30 to be used in times of business depression and
 31 unemployment; to promote the ~~re-employment~~
 32 ~~reemployment~~ of unemployed workers throughout the
 33 state in every other way that may be feasible; and to
 34 these ends to carry on and publish the results of
 35 investigations and research studies."

36 3. Page 3, by inserting after line 33 the
 37 following:

38 "Sec. ____ Section 96.19, subsection 18, paragraph
 39 a, Code Supplement 1995, is amended by adding the
 40 following new subparagraph:

41 NEW SUBPARAGRAPH. (9) A member of a limited
 42 liability company. For such a member, the term
 43 "employment" shall not include any portion of such
 44 service that is performed in lieu of making a
 45 contribution of cash or property to acquire a
 46 membership interest in the limited liability company.

47 Sec. ____ Section 96.19, subsection 18, paragraph
 48 f, Code Supplement 1995, is amended to read as

49 follows:

50 f. (1) Services performed by an individual for

Page 3

1 wages shall be deemed to be employment subject to this
2 chapter unless and until it is shown to the
3 satisfaction of the division of job service that such
4 individual has been and will continue to be free from
5 control or direction over the performance of such
6 services, both under the individual's contract of
7 service and in fact.

8 (2) Services performed by an individual for two or
9 more employing units shall be deemed to be employment
10 to each employing unit for which the services are
11 performed. However, an individual who concurrently
12 performs services as a corporate officer for two or
13 more related corporations and who is paid through a
14 common paymaster that is one of the related
15 corporations may, at the discretion of such related
16 corporations, be considered to be in the employment of
17 only the common paymaster.

18 Sec. ____ Section 96.19, subsection 41, Code
19 Supplement 1995, is amended by adding the following
20 new paragraph:

21 NEW PARAGRAPH. e. Any portion of the remuneration
22 to a member of a limited liability company based on a
23 membership interest in the company provided that the
24 remuneration is allocated among members, and among
25 classes of members, in proportion to their respective
26 investments in the company. If the amount of
27 remuneration attributable to a membership interest
28 cannot be determined, the entire amount of
29 remuneration shall be deemed to be based on services
30 performed.

31 Sec. ____ EFFECTIVE AND APPLICABILITY DATE. The
32 section of this Act which amends section 96.3 by
33 enacting a new subsection 10, takes effect on January
34 1, 1997, and is applicable to unemployment
35 compensation benefits paid on or after that date."

36 4. Title page, by striking lines 1 through 3 and
37 inserting the following: "An Act relating to the
38 components of the unemployment insurance system
39 concerning the job service advisory council, voluntary
40 income tax withholding from unemployment benefits,
41 relieving certain employers from certain unemployment
42 insurance charges, employer contributions and
43 liability for unemployment insurance benefits
44 regarding successor employers, definitions of
45 employment and wages for members of limited liability
46 companies, and unemployment insurance tax liability
47 for corporate officers, and providing an effective and
48 applicability date."

49 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5647.

Jacobs of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2229)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohoon	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemime	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Grundberg, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Brand	Churchill	Connors
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Coon of Warren called up for consideration **House File 2448**, a bill for an act relating to public access to criminal history data maintained by the department of public safety, amended by the Senate, and moved that the House concur in the following Senate amendment H-5917:

H-5917

1 Amend House File 2448, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 5 the
4 following:

5 "Sec. ____ Section 216A.136, Code 1995, is amended
6 to read as follows:

7 216A.136 STATISTICAL ANALYSIS CENTER - ACCESS TO
8 RECORDS.

9 The division shall maintain an Iowa statistical
10 analysis center for the purpose of coordinating with
11 data resource agencies to provide data and analytical
12 information to federal, state, and local governments,
13 and assist agencies in the use of criminal and
14 juvenile justice data. ~~The division of criminal and~~
15 ~~juvenile justice planning and the statistical analysis~~
16 ~~center are considered criminal justice agencies for~~
17 ~~the purposes of receiving criminal history data.~~
18 Notwithstanding any other provision of state law,
19 unless prohibited by federal law or regulation, the
20 division shall be granted access, for purposes of
21 research and evaluation, to criminal history records,
22 official juvenile court records, juvenile court social
23 records, and any other data collected or under control
24 of the board of parole, department of corrections,
25 district departments of correctional services,
26 department of human services, judicial department, and
27 department of public safety. Any record, data, or
28 information obtained by the division under this
29 section and the division itself are subject to the
30 federal and state confidentiality laws and regulations
31 which are applicable to the original record, data, or
32 information obtained by the division and to the
33 original custodian of the record, data, or
34 information. The access shall include but is not
35 limited to all of the following:

36 1. Juvenile court records and all other
37 information maintained under sections 232.147 through
38 232.153.

39 2. Child abuse information under sections 235A.15
40 through 235A.19.

41 3. Dependent adult abuse records maintained under
42 chapter 235B.

43 4. Criminal history and intelligence data
44 maintained under chapter 692.

45 5. Sex offender registry information maintained
46 under chapter 692A.

47 6. Presentence investigation reports maintained
48 under section 901.4.

49 7. Corrections records maintained under sections
50 904.601 and 904.602.

Page 2

1 8. Community-based correctional program records
2 maintained under chapter 905.
3 9. Parole records maintained under chapter 906.
4 10. Deferred judgment, deferred or suspended
5 sentence, and probation records maintained under
6 chapter 907.

7 11. Violation of parole or probation records
8 maintained under chapter 908.

9 12. Fines and victim restitution records
10 maintained under chapters 909 and 910.”

11 2. Page 1, line 14, by inserting after the word
12 “and” the following: “provided by the department to
13 law enforcement agencies.”.

14 3. Page 1, line 16, by inserting after the word
15 “mail” the following: “or as otherwise provided by
16 rule”.

17 4. Page 1, by inserting after line 31 the
18 following:

19 “(4) Upon receipt of official notification of the
20 successful completion of probation following a
21 deferred judgment, criminal history data regarding the
22 person who successfully completed the probation shall
23 only be disseminated by the department to a criminal
24 or juvenile justice agency, to the person who is the
25 subject of the criminal history data or the person’s
26 attorney, or to another person with a signed release
27 from the person who is the subject of the criminal
28 history data authorizing the requesting person access
29 to the criminal history data.”

30 5. Page 1, by inserting after line 31 the
31 following:

32 “(5) Any release of criminal history data by the
33 department shall prominently display the statement:
34 “AN ARREST WITHOUT DISPOSITION IS NOT AN INDICATION OF
35 GUILT.””

36 6. Page 2, by inserting after line 13 the
37 following:

38 “___. Unless otherwise provided by law, access
39 under this section to criminal history data by a
40 person or public or private agency does not create a
41 duty upon a person, or employer, member, or volunteer
42 of a public or private agency to examine the criminal
43 history data of an applicant, employee, or volunteer.”

44 7. Page 2, line 20, by striking the words “may
45 shall” and inserting the following: “may”.

46 8. By striking page 3, line 25, through page 4,
47 line 3.

48 9. Title page, by striking lines 1 and 2 and
49 inserting the following: “An Act relating to access
50 to criminal history and other records maintained by

Page 3

- 1 state agencies."
- 2 10. By renumbering, relettering, or redesignating
- 3 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5917.

Coon of Warren moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2448)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Grundberg, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Brand	Churchill	Disney
Millage	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2229 and 2448.**

Unfinished Business Calendar

The House resumed consideration of **Senate File 2385**, a bill for an act relating to appointment and election of state judicial nominating commissioners and providing effective and applicability dates and transition provisions, previously deferred and placed on the unfinished business calendar.

Dinkla of Guthrie asked and received unanimous consent to withdraw amendment H-5542, filed by the committee on judiciary on March 25, 1996, placing out of order amendment H-5724 to the committee amendment H-5542, filed by Dinkla of Guthrie on March 28, 1996.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2385)

The ayes were, 95:

Bell	Bernau	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Grundberg, Presiding	

The nays were, none.

Absent or not voting, 5:

Arnold	Baker	Brammer	Brand
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2413**, a bill for an act relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of an associate juvenile judge and associate probate judge, previously deferred and placed on the unfinished business calendar.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2413)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Branstad
Brauns	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Grundberg, Presiding		

The nays were, none.

Absent or not voting, 6:

Boddicker
Coon

Brammer
Salton

Brand

Brunkhorst

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2385 and 2413.**

The House resumed consideration of **House File 2367**, a bill for an act removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation, previously deferred and placed on the unfinished business calendar.

Nutt of Woodbury offered the following amendment H-5325 filed by him and moved its adoption:

H-5325

- 1 Amend House File 2367 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "may" the following: "but need not".
- 4 2. Page 1, line 12, by inserting after the word
- 5 "may" the following: "but need not".

Amendment H-5325 was adopted.

SENATE FILE 2422 SUBSTITUTED FOR HOUSE FILE 2367

Nutt of Woodbury asked and received unanimous consent to substitute Senate File 2422 for House File 2367.

Senate File 2422, a bill for an act removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation, was taken up for consideration.

Nutt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2422)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Grundberg, Presiding	

The nays were, none.

Absent or not voting, 5:

Baker	Brammer	Brand	Salton
Taylor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2367 WITHDRAWN

Nutt of Woodbury asked and received unanimous consent to withdraw House File 2367 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2422** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2138**, a bill for an act relating to county mental health and developmental disability funding, previously deferred and placed on the unfinished business calendar.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-5846 filed by him on April 3, 1996.

Carroll of Poweshiek offered the following amendment H-5883 filed by him and moved its adoption:

H-5883

- 1 Amend Senate File 2138, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 11 and
- 4 inserting the following:
- 5 "Sec. 100. NEW SECTION. 331.439A INDEMNITY FUND.
- 6 1. An indemnity fund is created in the office of
- 7 the treasurer of state under the authority of the
- 8 executive council. Moneys in the indemnity fund shall
- 9 consist of appropriations by the state and payments by
- 10 counties as provided in this section. Notwithstanding
- 11 section 8.33, moneys in the indemnity fund which
- 12 remain unencumbered or unobligated at the close of a
- 13 fiscal year shall remain in the indemnity fund to be
- 14 used as provided in this section. Notwithstanding
- 15 section 12C.7, interest or earnings on moneys
- 16 deposited in the indemnity fund shall be credited to
- 17 the indemnity fund.
- 18 2. There is appropriated from the general fund of
- 19 the state to the indemnity fund in each fiscal year
- 20 the sum of one million dollars.
- 21 3. A participating county may submit a request to
- 22 the indemnity fund for a cash grant in the event the
- 23 county's services fund is insufficient or is projected
- 24 to be insufficient to pay for a service in the
- 25 county's management plan approved under section
- 26 331.439 because of an unusual or unanticipated need of
- 27 an individual. A decision to grant the county's
- 28 request is subject to all of the following conditions:
- 29 a. The individual is covered under the county's
- 30 approved management plan.
- 31 b. The service needs of the individual are
- 32 documented and address possible service alternatives.
- 33 c. Payment of the individual's service needs is
- 34 anticipated to cause the county's services fund to be
- 35 insufficient to pay for all of the services required
- 36 under the county's management plan unless the plan
- 37 were to be amended to reduce services or service
- 38 costs.
- 39 d. One or more of the following circumstances
- 40 applies:
- 41 (1) The service costs of the individual were not
- 42 an obligation of the county in any fiscal year
- 43 previous to the fiscal year in which the request is
- 44 made.
- 45 (2) The service costs of the individual were an

46 obligation of the county in a previous fiscal year and
47 the individual suffered an additional unanticipated
48 disability condition with an exceptional cost.
49 (3) The service costs of the individual were an
50 obligation of the county in a previous fiscal year and

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1 the individual's disability worsened and requires an
2 unanticipated additional service with an exceptional
3 cost.

4 e. A indemnity fund grant shall be for one fiscal
5 year only and is not renewable for the costs of the
6 same services to an individual in a subsequent fiscal
7 year.

8 f. The county levies the maximum amount authorized
9 for the county's services fund under section 331.424A.

10 4. An account shall be created within the
11 indemnity fund for each county. All of the following
12 shall be annually credited to the account of a county
13 in a fiscal year:

14 a. A county's portion of the appropriation from
15 the property tax relief fund to the indemnity fund for
16 the fiscal year. The county's portion shall be the
17 amount determined by applying the county's percentage
18 share of all county base year expenditures, as defined
19 in section 331.438, to the amount of the appropriation
20 from the property tax relief fund to the indemnity
21 fund.

22 b. The county's portion of any appropriations from
23 the general fund of the state for the fiscal year to
24 the indemnity fund. The county's portion shall be
25 determined by applying the county's percentage share
26 of all county base year expenditures, as defined in
27 section 331.438, to the amounts appropriated by the
28 state for the fiscal year.

29 c. Interest and earnings attributable to the
30 balance in the account in the previous fiscal year.

31 5. A request for a grant from the indemnity fund
32 shall be initially considered by the county finance
33 committee which shall make a recommendation to the
34 executive council to accept or reject the request in
35 whole or in part. The decision of the executive
36 council is final.

37 6. A grant to a county from the indemnity fund
38 shall be debited against the county's account. The
39 balance in a county's account at the close of a fiscal
40 year shall be carried forward as a beginning account
41 balance and is available for grants in the succeeding
42 fiscal year. The executive council shall not approve
43 grants for a county in excess of the amount of funding
44 available in the county's account for a fiscal year.

45 Sec. 200. Section 426B.1, Code Supplement 1995, is

46 amended by adding the following new subsection:
 47 NEW SUBSECTION. 3. There is annually appropriated
 48 from the property tax relief fund to the indemnity
 49 fund created in section 331.439A, an amount equal to
 50 one-half of one percent of the total of base year

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1 expenditures for all counties. The appropriation in
 2 this subsection shall be charged against the property
 3 tax relief fund prior to the distribution of moneys
 4 from the fund under section 426B.2 and the amount of
 5 moneys available for distribution shall be reduced
 6 accordingly. However, the appropriation in this
 7 subsection shall be considered to be a property tax
 8 relief payment for purposes of the combined amount of
 9 payments required to achieve fifty percent of the
 10 counties' base year expenditures as provided in
 11 section 426B.2, subsection 3."

12 2. Page 1, by inserting after line 23 the
 13 following:

14 "Sec. ____ EFFECTIVE DATE. Section 100 of this
 15 Act, enacting section 331.439A, and section 200 of
 16 this Act, amending section 426B.1, take effect July 1,
 17 1997."

18 3. Title page, line 2, by inserting after the
 19 word "funding" the following: "by creating an
 20 indemnity fund, making appropriations, and providing
 21 effective dates".

Amendment H-5883 was adopted.

RULE 32

Siegrist of Pottawattamie asked and received unanimous consent to invoke Rule 32 to refer **Senate File 2138** to the committee on **appropriations**.

SENATE AMENDMENTS CONSIDERED

Veenstra of Sioux called up for consideration **Senate File 2154**, a bill for an act increasing the penalties for certain offenses involving methamphetamine, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5878 to the House amendment:

H-5878

1 Amend the House amendment, S-5614, to Senate File
 2 2154, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, line 17, by inserting after the word

5 "any" the following: "liquid, ointment, suppository,
6 or injectable product containing ephedrine, any
7 product containing ephedrine in tablet form packaged
8 in blister packages of no more than two tablets per
9 blister, or any".

The motion lost and the House refused to concur in the Senate amendment H-5878, to the House amendment.

House of Pottawattamie called up for consideration **House File 2427**, a bill for an act relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5916:

H-5916

1 Amend House File 2427, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 4, by striking the word
4 "subsections" and inserting the following:
5 "subsection".
6 2. Page 1, by striking lines 5 through 8.
7 3. Page 1, by striking lines 20 and 21 and
8 inserting the following: "a recommendation supporting
9 the placement developed through the single entry point
10 process. After determining the legal settlement".
11 4. Page 1, line 32, by inserting after the word
12 "evaluation" the following: ", performed through the
13 single entry point process".
14 5. Page 2, by striking line 8 and inserting the
15 following: "as determined through the single entry
16 point process".
17 6. Page 2, line 35, by striking the words and
18 figures "subsections 2 and 3" and inserting the
19 following: "subsection 2".
20 7. Page 3, line 1, by striking the word "are" and
21 inserting the following: "is".
22 8. Page 3, by striking lines 2 through 9 and
23 inserting the following:
24 "2. Upon receipt of an application for voluntary
25 admission of a minor, the board of supervisors shall
26 provide for a preadmission diagnostic evaluation of
27 the minor to confirm or establish the need for the
28 admission. The preadmission diagnostic evaluation
29 shall be performed by a person who meets the
30 qualifications of a qualified mental retardation
31 professional who is designated through the single
32 entry point process."
33 9. By striking page 3, line 10, through page 4,
34 line 26, and inserting the following:

35 "Sec. ____ Section 222.28, Code 1995, is amended
36 to read as follows:

37 222.28 COMMISSION TO EXAMINE.

38 The court may, at or prior to the final hearing,
39 appoint a commission of one qualified physician and
40 one qualified psychologist, designated through the
41 single entry point process, who shall make a personal
42 examination of the person alleged to be mentally
43 retarded for the purpose of determining the mental
44 condition of the person."

45 10. Page 4, line 31, by striking the words
46 "county of legal settlement" and inserting the
47 following: "single entry point process".

48 11. Page 4, lines 33 and 34, by striking the
49 words "which are authorized in accordance with the
50 county's management plan".

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1 12. Page 5, by striking lines 10 through 12 and
2 inserting the following:
3 "NEW PARAGRAPH. f. A county shall not be billed
4 for the cost of a patient unless the patient's
5 admission is authorized through the applicable single
6 entry point process. The state hospital-school and
7 the county shall work together to locate appropriate
8 alternative placements and services, and to educate
9 patients and the family members of patients regarding
10 such alternatives."

11 13. Page 5, by striking lines 13 through 23 and
12 inserting the following:

13 "Sec. ____ Section 222.73, subsection 2,
14 unnumbered paragraph 2, Code Supplement 1995, is
15 amended to read as follows:

16 The per diem costs billed to each county shall not
17 exceed the per diem costs ~~in effect on July 1, 1988~~
18 billed to the county in the fiscal year beginning July
19 1, 1996. However, the per diem costs billed to a
20 county may be adjusted annually in a fiscal year to
21 reflect increased costs to the extent of the
22 adjustment in the consumer price index published
23 annually in the federal register by the federal
24 department of labor, bureau of labor statistics
25 percentage increase in the total of county fixed
26 budgets pursuant to the allowed growth factor
27 adjustment authorized by the general assembly for that
28 fiscal year in accordance with section 331.439.

29 Sec. ____ EFFECTIVE DATE. Section 222.73,
30 subsection 2, unnumbered paragraph 2, Code Supplement
31 1995, as amended by this division of this Act, takes
32 effect July 1, 1997."

33 14. Page 6, line 3, by striking the words "An
34 order".

35 15. Page 6, by striking lines 4 and 5 and
36 inserting the following: "If the costs of a
37 respondent's evaluation or treatment are payable in
38 whole or in part by a county, an order under this
39 section shall be for referral of the respondent
40 through the single entry point process for an".

41 16. Page 6, line 17, by striking the word
42 "patient" and inserting the following: "patient
43 respondent".

44 17. Page 6, by striking lines 30 through 32 and
45 inserting the following: "treatment, and hospital
46 care under this section which are payable in whole or
47 in part by a county shall only be provided as
48 determined through the single entry point process."

49 18. Page 7, by striking lines 17 and 18 and
50 inserting the following: "county shall only be

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1 provided as determined through the single entry point
2 process."

3 19. Page 7, by striking lines 21 through 24 and
4 inserting the following:

5 "NEW SUBSECTION. 8. "Single entry point process"
6 means the same as defined in section 331.440."

7 20. Page 9, by striking lines 11 and 12 and
8 inserting the following: "performed through the
9 single entry point process has confirmed that the".

10 21. Page 9, by striking lines 17 and 18 and
11 inserting the following: "provided for through the
12 single entry point process, the evaluation may be
13 performed by a".

14 22. Page 10, lines 27 and 28 by striking the
15 words "by the person's county of legal settlement" and
16 inserting the following: "through the single entry
17 point process".

18 23. Page 11, by striking line 8 and inserting the
19 following: "designated through the single entry point
20 process under section".

21 24. Page 11, by striking line 14 and inserting
22 the following: "designated through the single entry
23 point process under".

24 25. Page 12, by striking lines 4 through 7 and
25 inserting the following: "whole or in part by a
26 county is subject to an authorization for the transfer
27 through the single entry point process."

28 26. By striking page 12, line 8, through page 14,
29 line 1, and inserting the following:

30 "Sec. __. Section 229.1, Code Supplement 1995, is
31 amended by adding the following new subsection:
32 NEW SUBSECTION. 15. "Single entry point process"
33 means the same as defined in section 331.440.

34 Sec. __. NEW SECTION. 229.1B SINGLE ENTRY POINT

35 PROCESS.

36 Notwithstanding any provision of this chapter to
37 the contrary, any person whose hospitalization
38 expenses are payable in whole or in part by a county
39 shall be subject to all requirements of the single
40 entry point process.

41 Sec. ____ Section 229.11, unnumbered paragraph 1,
42 Code 1995, is amended to read as follows:

43 If the applicant requests that the respondent be
44 taken into immediate custody and the judge, upon
45 reviewing the application and accompanying
46 documentation, finds probable cause to believe that
47 the respondent is ~~seriously mentally impaired~~ has a
48 serious mental impairment and is likely to injure the
49 respondent or other persons if allowed to remain at
50 liberty, the judge may enter a written order directing

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1 that the respondent be taken into immediate custody by
2 the sheriff or the sheriff's deputy and be detained -
3 until the hospitalization hearing, ~~which.~~ The
4 hospitalization hearing shall be held no more than
5 five days after the date of the order, except that if
6 the fifth day after the date of the order is a
7 Saturday, Sunday, or a holiday, the hearing may be
8 held on the next succeeding business day. If the
9 expenses of a respondent are payable in whole or in
10 part by a county, for a placement in accordance with
11 subsection 1, the judge shall give notice of the
12 placement to the single entry point process and for a
13 placement in accordance with subsection 2 or 3, the
14 judge shall order the placement in a hospital or
15 facility designated through the single entry point
16 process. The judge may order the respondent detained
17 for the period of time until the hearing is held, and
18 no longer, in accordance with subsection 1 if
19 possible, and if not then in accordance with
20 subsection 2 or, only if neither of these alternatives
21 are available, in accordance with subsection 3.
22 Detention may be:

23 Sec. ____ Section 229.13, unnumbered paragraph 1,
24 Code 1995, is amended to read as follows:

25 If upon completion of the hearing the court finds
26 that the contention that the respondent is ~~seriously~~
27 ~~mentally impaired has been~~ has a serious mental
28 impairment is sustained by clear and convincing
29 evidence, ~~it~~ the court shall order ~~the~~ a respondent
30 placed in whose expenses are payable in whole or in
31 part by a county committed to the care of a hospital
32 or facility designated through the single entry point
33 process, and shall order any other respondent
34 committed to the care of a hospital or a facility

35 licensed to care for persons with mental illness or
36 substance abuse or under the care of a facility that
37 is licensed to care for persons with mental illness or
38 substance abuse on an outpatient basis as
39 expeditiously as possible for a complete psychiatric
40 evaluation and appropriate treatment. If the
41 respondent is ordered at the hearing to undergo
42 outpatient treatment, the outpatient treatment
43 provider must be notified and agree to provide the
44 treatment prior to placement of the respondent under
45 the treatment provider's care. The court shall
46 furnish to the chief medical officer of the hospital
47 or facility at the time the respondent arrives at the
48 hospital or facility a written finding of fact setting
49 forth the evidence on which the finding is based. If
50 the respondent is ordered to undergo outpatient

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1 treatment, the order shall also require the respondent
2 to cooperate with the treatment provider and comply
3 with the course of treatment.
4 PARAGRAPH DIVIDED. The chief medical officer of
5 the hospital or facility shall report to the court no
6 more than fifteen days after the individual is
7 admitted to or placed under the care of the hospital
8 or facility, making a recommendation for disposition
9 of the matter. An extension of time may be granted
10 for not to exceed seven days upon a showing of cause.
11 A copy of the report shall be sent to the respondent's
12 attorney, who may contest the need for an extension of
13 time if one is requested. Extension of time shall be
14 granted upon request unless the request is contested,
15 in which case the court shall make such inquiry as it
16 deems appropriate and may either order the
17 respondent's release from the hospital or facility or
18 grant extension of time for psychiatric evaluation.
19 If the chief medical officer fails to report to the
20 court within fifteen days after the individual is
21 admitted to or placed under the care of the hospital
22 or facility, and no extension of time has been
23 requested, the chief medical officer is guilty of
24 contempt and shall be punished under chapter 665. The
25 court shall order a rehearing on the application to
26 determine whether the respondent should continue to be
27 held at or placed under the care of the facility."
28 27. Page 14, line 25, by striking the word "in".
29 28. Page 14, by striking line 26 and inserting
30 the following: "through the single entry point
31 process, the said clerk".
32 29. Page 14, lines 32 and 33, by striking the
33 words "single entry point process of the person's
34 county of legal settlement" and inserting the

- 35 following: "single entry point process".
- 36 30. Page 15, by striking lines 6 through 9 and
- 37 inserting the following: "revenue and finance. A
- 38 county shall not be billed for the cost of a patient
- 39 unless the patient's admission is authorized through
- 40 the single entry point process. The mental health
- 41 institute and the county shall work together to locate
- 42 appropriate alternative placements and services, and
- 43 to educate patients and family members of patients
- 44 regarding such alternatives."
- 45 31. Page 15, line 15, by striking the word "in".
- 46 32. Page 15, by striking lines 16 through 20 and
- 47 inserting the following: "through the single entry
- 48 point process. For the purposes of this chapter,
- 49 "single entry point process" means the same as defined
- 50 in section 331.440."

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- 1 33. Page 16, by striking lines 4 through 12 and
- 2 inserting the following:
- 3 "b. The per diem costs billed to each county shall
- 4 not exceed the per diem costs in effect on July 1,
- 5 1988 billed to the county in the fiscal year beginning
- 6 July 1, 1996. However, the per diem costs billed to a
- 7 county may be adjusted annually to reflect increased
- 8 costs to the extent of the adjustment in the consumer
- 9 price index published annually in the federal register
- 10 by the federal department of labor, bureau of labor
- 11 statistics percentage increase in the total of county
- 12 fixed budgets pursuant to the allowed growth factor
- 13 adjustment authorized by the general assembly for the
- 14 fiscal year in accordance with section 331.439.
- 15 Sec. ____ EFFECTIVE DATE. Section 230.20,
- 16 subsection 2, paragraph "b", Code Supplement 1995, as
- 17 amended by this division of this Act, takes effect
- 18 July 1, 1997."
- 19 34. Page 16, by striking lines 16 through 30 and
- 20 inserting the following:
- 21 "Sec. ____ Section 230A.13, unnumbered paragraph
- 22 2, Code 1995, is amended to read as follows:
- 23 Release of administrative and diagnostic
- 24 information which would identify, as defined in
- 25 section 228.1, subsections 1 and 3, and demographic
- 26 information necessary for aggregated reporting to meet
- 27 the data requirements established by the department of
- 28 human services, division of mental health and
- 29 developmental disabilities, relating to an individual
- 30 who is receiving or has received treatment at receives
- 31 services from a community mental health center shall
- 32 not through the applicable single entry point process.
- 33 may be made a condition of support of that center by
- 34 any county under this section. Section 331.504,

35 subsection 8 notwithstanding, a community mental
36 health center shall not be required to file a claim
37 which would in any manner identify such an individual,
38 if the center's budget has been approved by the county
39 board under this section and the center is in
40 compliance with section 230A-16, subsection 3."

41 35. Page 17, line 21, by striking the words
42 "appropriate and" and inserting the following:
43 "appropriate".

44 36. Page 17, by striking lines 22 through 33 and
45 inserting the following: "The department's goal for
46 the maximum time period for submission of a claim to a
47 county is not more than sixty days following the
48 submission of the claim by the provider of the service
49 to the department. The department's goal for
50 completion and crediting of a county for cost

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1 settlement for the actual costs of a home and
2 community-based waiver service is within two hundred
3 seventy days of the close of a fiscal year for which
4 cost reports are due from providers. The department
5 shall".

6 37. By striking page 18, line 5 through page 19,
7 line 21 and inserting the following:
8 "NEW SUBSECTION. 5. a. The state-county
9 management committee shall recommend to the department
10 the actions necessary to assist in the transition of
11 individuals being served in an intermediate care
12 facility for the mentally retarded, who are
13 appropriate for the transition, to services funded
14 under a medical assistance waiver for home and
15 community-based services for persons with mental
16 retardation in a manner which maximizes the use of
17 existing public and private facilities. The actions
18 may include but are not limited to submitting any of
19 the following or a combination of any of the following
20 as a request for a revision of the medical assistance
21 waiver for home and community-based services for
22 persons with mental retardation in effect as of June
23 30, 1996:

24 (1) Allow for the transition of intermediate care
25 facilities for the mentally retarded licensed under
26 chapter 135C as of June 30, 1996, to services funded
27 under the medical assistance waiver for home and
28 community-based services for persons with mental
29 retardation. The request shall be for inclusion of
30 additional persons under the waiver associated with
31 the transition.

32 (2) Allow for reimbursement under the waiver for
33 day program or other service costs.

34 (3) Allow for exception provisions in which an

35 intermediate care facility for the mentally retarded
36 which does not meet size and other facility-related
37 requirements under the waiver in effect on June 30,
38 1996, may convert to a waiver service for a set period
39 of time such as five years. Following the set period
40 of time, the facility would be subject to the waiver
41 requirements applicable to services which were not
42 operating under the exception provisions.
43 b. In implementing the provisions of this
44 subsection, the state-county management committee
45 shall consult with other states. The waiver revision
46 request or other action necessary to assist in the
47 transition of service provision from intermediate care
48 facilities for the mentally retarded to alternative
49 programs shall be implemented by the department in a
50 manner that can appropriately meet the needs of

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1 individuals at an overall lower cost to counties, the
2 federal government, and the state. In addition, the
3 department shall take into consideration significant
4 federal changes to the medical assistance program in
5 formulating the department's actions under this
6 subsection. The department shall consult with the
7 state-county management committee in adopting rules
8 for oversight of facilities converted pursuant to this
9 subsection. A transition approach described in
10 paragraph "a" may be modified as necessary to obtain
11 federal waiver approval. The department shall report
12 on or before January 2, 1997, to the general assembly
13 regarding its actions under this subsection and any
14 federal response, and shall submit an update upon
15 receiving a federal response to the waiver request or
16 other action taken which requires a federal response.
17 If implementation of any of the provisions of this
18 subsection does not require a federal waiver, the
19 department shall implement the provisions in the
20 fiscal year beginning July 1, 1996."

21 38. Page 20, by striking lines 3 through 7 and
22 inserting the following: "ill. To the maximum extent
23 allowed under federal law and regulations, the
24 department shall consult with and inform a county of
25 legal settlement's single entry point process, as
26 defined in section 331.440, regarding the necessity
27 for and the provision of any service for which the
28 county is required to provide reimbursement under this
29 subsection.

30 3. To the maximum extent allowed under federal law
31 and regulations, a person with mental illness or
32 mental retardation shall not be eligible for any
33 service which is funded in whole or in part by a
34 county share of the nonfederal portion of medical

35 assistance funds unless the person is referred through
36 the single entry point process, as defined in section
37 331.440. However, to the extent federal law allows
38 referral of a medical assistance recipient to a
39 service without approval of the single entry point
40 process, the county of legal settlement shall be
41 billed for the nonfederal share of costs for any adult
42 person for whom the county would otherwise be
43 responsible."

44 39. Page 21, by inserting after line 33 the
45 following:

46 "Sec. ____ Section 331.440, Code Supplement 1995,
47 is amended by adding the following new subsection:
48 **NEW SUBSECTION. 2A.** An application for services
49 may be made through the single entry point process of
50 a person's county of residence. However, if a person

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1 who is subject to a single entry point process has
2 legal settlement in another county or the costs of
3 services or other support provided to the person are
4 the financial responsibility of the state, an
5 authorization through the single entry point process
6 shall be coordinated with the person's county of legal
7 settlement or with the state, as applicable. The
8 county of residence and county of legal settlement of
9 a person subject to a single entry point process may
10 mutually agree that the single entry point process
11 functions shall be performed by the single entry point
12 process of the person's county of legal settlement."

13 40. Page 21, by inserting after line 33 the
14 following:

15 "Sec. ____ **MEDICAL ASSISTANCE CLAIMS AND COST**
16 **SETTLEMENT.** The department of human services shall
17 formulate a work group which includes representatives
18 of counties designated by the Iowa state association
19 of counties in developing a course of action to meet
20 the goals for submission of claims and completion of
21 cost settlement under section 249A.12, subsection 2,
22 as amended by this Act. A report which includes data
23 describing the conditions which cause the goal time
24 frames to be exceeded, other conditions associated
25 with billings and payments, and options to address the
26 problems identified shall be submitted to the governor
27 and general assembly on or before December 16, 1996.
28 The options may include possible sanctions for failure
29 to meet the time frames."

30 41. Page 22, by striking lines 2 through 11.

31 42. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-5916.

Houser of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2427)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Grundberg, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Brand	Gries	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker pro tempore Van Maanen of Marion in the chair at 10:30 a.m.

Grubbs of Scott called up for consideration **House File 570**, a bill for an act relating to funding for and the name of the national center for talented and gifted education and making an appropriation, amended by the Senate amendment H-5920 as follows:

H-5920

1 Amend House File 570, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 257B.1A, subsections 2 and 3,
6 Code Supplement 1995, are amended to read as follows:

7 2. For a transfer of moneys from the interest for
8 Iowa schools fund to the first in the nation in
9 education foundation, prior to July 1, October 1,
10 January 1, and March 1 of each year, the governing
11 board of the first in the nation in education
12 foundation established in section 257A.2 shall certify
13 to the treasurer of state the cumulative total value
14 of contributions received under section 257A.7 for
15 deposit in the first in the nation in education fund
16 and for the use of the foundation. ~~The cumulative~~
17 ~~total value of contributions received includes the~~
18 ~~value of the amount deposited in the national center~~
19 ~~endowment fund established in section 263.8A in excess~~
20 ~~of eight hundred seventy-five thousand dollars. The~~
21 value of in-kind contributions shall be based upon the
22 fair market value of the contribution determined for
23 income tax purposes.

24 The portion of the interest for Iowa schools fund
25 that is equal to the cumulative total value of
26 contributions, less the portion of the interest for
27 Iowa schools fund dedicated to the ~~national~~
28 international center for gifted and talented
29 education, is dedicated to the first in the nation in
30 education foundation for that year. The interest
31 earned on this dedicated amount shall be transferred
32 by the treasurer of state to the credit of the first
33 in the nation in education foundation.

34 3. For a transfer of moneys from the interest for
35 Iowa schools fund to the ~~national~~ international center
36 endowment fund established in section 263.8A, prior to
37 July 1, October 1, January 1, and March 1 of each
38 year, the state university of Iowa shall certify to
39 the treasurer of state the cumulative total value of
40 contributions received and deposited in the ~~national~~
41 international center endowment fund. Within fifteen
42 days following certification by the state university
43 of Iowa, the treasurer of state shall transfer from
44 the interest for Iowa schools fund to the ~~national~~
45 international center an amount equal to one-half the
46 cumulative total value of the contributions deposited
47 in the ~~national~~ international center endowment fund,
48 not to exceed eight hundred seventy-five thousand
49 dollars. In addition, if the cumulative total value
50 of contributions deposited in the international center

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1 endowment fund between July 1, 1995, and June 30,
2 1999, equals or exceeds one million three hundred
3 fifty thousand dollars, effective July 1, 1999, the
4 portion of the interest for Iowa schools fund used to
5 determine the dedicated amount of interest earned for
6 a year shall also equal one-half that total, not to
7 exceed six hundred seventy-five thousand dollars.
8 However, if, prior to July 1, 1999, the general
9 assembly appropriates moneys for the international
10 center endowment fund established in section 263.8A in
11 an aggregate amount equal to eight hundred seventy-
12 five thousand dollars, the transfer of the interest
13 earned based upon the cumulative value of
14 contributions equal to one million seven hundred fifty
15 thousand dollars deposited in the international center
16 endowment fund on July 1, 1996, is no longer required
17 under this section. If, on or after July 1, 1999, the
18 general assembly appropriates moneys for the
19 international center endowment fund in an aggregate
20 amount equal to six hundred seventy-five thousand
21 dollars, the transfer of interest earned based upon
22 the cumulative value of contributions equal to one
23 million three hundred fifty thousand dollars deposited
24 in the international center endowment fund between
25 July 1, 1996, and June 30, 1999, is no longer required
26 under this section.

27 Sec. 2. Section 257B.1A, Code Supplement 1995, is
28 amended by adding the following new subsection:
29 NEW SUBSECTION. 4. Until the appropriations
30 specified in subsection 3 have been made by the
31 general assembly, fifty percent of the portion of the
32 interest on the interest for Iowa schools fund
33 remaining after the total of the transfer of moneys to
34 the first in the nation in education foundation
35 pursuant to subsection 2 and the transfer of moneys to
36 the international center endowment fund in subsection
37 3 shall in addition be transferred to the
38 international center endowment fund and the remaining
39 fifty percent shall become a part of the interest for
40 Iowa schools fund.

41 Sec. 3. Section 263.8A, Code 1995, is amended to
42 read as follows:
43 263.8A NATIONAL INTERNATIONAL CENTER FOR TALENTED
44 AND GIFTED EDUCATION.

45 The state board of regents shall establish and
46 maintain at Iowa City as an integral part of the state
47 university of Iowa the national international center
48 for talented and gifted education. The national
49 international center shall provide programs to assist
50 classroom teachers to teach gifted and talented

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1 students in regular classrooms, provide programs to
 2 enhance the learning experiences of gifted and
 3 talented students, serve as a center for national and
 4 international symposiums and policy forums for
 5 enhancing the teaching of gifted and talented
 6 students, and undertake other appropriate activities
 7 to enhance the programs of the center, including, but
 8 not limited to, coordinating and working with the
 9 world council for gifted and talented children,
 10 incorporated.
 11 A national An international center endowment fund
 12 is established at the state university of Iowa and
 13 gifts and grants to the national international center
 14 and investment earnings and returns on the endowment
 15 fund shall be deposited in the fund and interest
 16 ~~earned on moneys in the fund~~ may be expended by the
 17 state university of Iowa for the purposes for which
 18 the national international center was established.”
 19 2. Title page, by striking lines 1 through 3 and
 20 inserting the following: “An Act relating to funding
 21 for a talented and gifted education center at the
 22 university of Iowa and naming of that center as an
 23 international center.”

Grubbs of Scott offered the following amendment H-5923, to the Senate amendment H-5920 filed by him and moved its adoption:

H-5923

1 Amend the Senate amendment, H-5920, to House File
 2 570, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 24, by striking the words
 5 “interest for Iowa schools” and inserting the
 6 following: “interest for Iowa schools permanent
 7 school”.
 8 2. Page 1, lines 26 and 27, by striking the words
 9 “interest for Iowa schools” and inserting the
 10 following: “interest for Iowa schools permanent
 11 school”.
 12 3. Page 1, line 34, by inserting after the figure
 13 “3.” the following: “a”.
 14 4. Page 1, line 45, by inserting after the word
 15 “amount” the following: “equal to the amount of
 16 interest earned on the portion of the permanent school
 17 fund that is”.
 18 5. By striking page 1, line 49, through page 2,
 19 line 7, and inserting the following: “dollars.”
 20 6. Page 2, by striking line 8 and inserting the
 21 following:
 22 “b. However, if prior to July 1, 1998, the

23 general".

24 7. Page 2, line 16, by striking the figure "1996"
25 and inserting the following: "1995".

26 8. Page 2, line 17, by striking the figure "1999"
27 and inserting the following: "1998".

28 9. Page 2, line 25, by striking the words and
29 figures "1996, and June 30, 1999," and inserting the
30 following: "1995, and June 30, 1998".

31 10. Page 2, line 28, by striking the word
32 "subsection" and inserting the following:
33 "subsections".

34 11. Page 2, line 29, by striking the words "Until
35 the appropriations" and inserting the following: "In
36 addition to the moneys transferred pursuant to
37 subsection 3, paragraph "a", effective on the date on
38 which the cumulative total value of contributions
39 deposited in the international center endowment fund
40 between July 1, 1995, and June 30, 1998, equals or
41 exceeds one million three hundred fifty thousand
42 dollars, and annually thereafter, the treasurer of
43 state shall transfer moneys from the interest for Iowa
44 schools fund to the international center endowment
45 fund in an amount equal to the interest earned on six
46 hundred seventy-five thousand dollars in the permanent
47 school fund.

48 NEW SUBSECTION. 5. Until the appropriations".

49 12. Page 2, line 30, by inserting after the
50 figure "3" the following: ", paragraph "b",".

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1 13. Page 2, lines 31 and 32, by striking the
2 words "portion of the interest on" and inserting the
3 following: "interest remaining in".

4 14. Page 2, line 33, by striking the word
5 "remaining".

6 15. Page 2, line 35, by inserting after the word
7 "and" the following: "after".

8 16. Page 2, line 37, by striking the words "shall
9 in addition" and inserting the following: "
10 paragraph "a", shall, in addition,".

11 17. Page 3, line 20, by striking the word
12 "funding" and inserting the following: "transfers of
13 moneys from the interest for Iowa schools fund,
14 renaming the center for gifted and talented education,
15 and providing for properly related matters."

16 18. Page 3, by striking lines 21 through 23.

17 19. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 54, nays 20.

Amendment H-5923 was adopted.

On motion by Grubbs of Scott, the House concurred in the Senate amendment H-5920, as amended.

Grubbs of Scott moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 570)

The ayes were, 73:

Arnold	Bell	Blodgett	Boddicker
Boggess	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larson	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Myers
Nelson, B.	Nutt	Osterhaus	Rants
Renken	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 24:

Baker	Bernau	Cataldo	Cphoon
Connors	Drees	Fallon	Harper
Holveck	Jochum	Larkin	McCoy
Moreland	Murphy	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 3:

Brammer	Brand	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that House File 570 be immediately messaged to the Senate.

RULES SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend the rules for immediate consideration of Senate File 2157.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2157**, a bill for an act relating to the duties of the college student aid commission in administering the Iowa guaranteed loan program, creating a chiropractic loan revolving fund, and providing for matters related to the chiropractic graduate student forgivable loan program, previously deferred and placed on the unfinished business calendar.

Rants of Woodbury offered the following amendment H-5865 filed by him and moved its adoption:

H-5865

1 Amend Senate File 2157, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 24 the
4 following:

5 "Sec. ____ Section 261B.2, subsection 1, Code
6 1995, is amended to read as follows:

7 1. "Degree" means a postsecondary credential
8 conferring on the recipient the title or symbol which
9 signifies or purports to signify completion of the
10 requirements of an academic, educational, or
11 professional program of study beyond the secondary
12 school level of associate, bachelor, master, or
13 doctor, or an equivalent title, signifying educational
14 attainment based on any one or a combination of study
15 or the equivalent experience or achievement testing.
16 A postsecondary degree under this chapter shall not
17 include an honorary degree or other unearned degree.

18 Sec. ____ Section 261B.2, Code 1995, is amended by
19 adding the following new subsection:

20 **NEW SUBSECTION. 1A. "Presence"** means maintaining
21 an address within Iowa.

22 Sec. ____ Section 261B.3, Code 1995, is amended to
23 read as follows:

24 **261B.3 REGISTRATION.**

25 1. A school that maintains or conducts one or more
26 courses of instruction, including courses of
27 instruction by correspondence, offered in this state
28 or which has a presence in this state and offers
29 courses in other states or foreign countries shall
30 register annually with the secretary. Registration
31 shall be made on application forms approved and
32 supplied by the secretary and at the time and in the
33 manner prescribed by the secretary. Upon receipt of a

34 complete and accurate registration application, the
35 secretary shall issue a ~~certificate of registration~~ an
36 acknowledgment of document filed and send it to the
37 school.

38 2. The secretary may request additional
39 information as necessary to enable the secretary to
40 determine the accuracy and completeness of the
41 information contained in the registration application.
42 If the secretary believes that false, misleading, or
43 incomplete information has been submitted in
44 connection with an application for registration, the
45 secretary may deny registration. The secretary shall
46 conduct a hearing on the denial if a hearing is
47 requested by a school. The secretary may withhold a
48 ~~certificate of registration~~ an acknowledgment of
49 document filed pending the outcome of the hearing.
50 Upon a finding after the hearing that information

Page 2

1 contained in the registration application is false,
2 misleading, or incomplete, the secretary shall deny a
3 ~~ertificate of registration~~ an acknowledgment of
4 document filed to the school. The secretary shall
5 make the final decision on each registration. The
6 However, the decision of the secretary is subject to
7 judicial review in accordance with section 17A.19.

8 3. The secretary shall utilize the advisory
9 committee created in section 261B.10 in reviewing new
10 and continuing registrations.

11 4. The secretary shall adopt rules under chapter
12 17A for the implementation of this chapter.

13 Sec. __. NEW SECTION. 261B.3A REQUIREMENT.

14 A school offering courses or programs of study
15 leading to a degree in the state of Iowa shall be
16 accredited by an agency or organization approved or
17 recognized by the United States department of
18 education or a successor agency and be approved for
19 operation by the appropriate state agencies in all
20 other states in which it operates or maintains a
21 presence. A school is exempt from this section if the
22 programs offered by the school are limited to
23 nondegree specialty vocational training programs.

24 Sec. __. Section 261B.4, subsections 2 and 11,
25 Code 1995, are amended to read as follows:

26 2. The principal location of the school in this
27 state, in other states, and in foreign countries, and
28 the location of the place or places in this state, in
29 other states, and in foreign countries where
30 instruction is likely to be given.

31 11. The names or titles and a description of the
32 courses and degrees to be offered in this state.

33 Sec. __. Section 261B.4, Code 1995, is amended by

34 adding the following new subsection:
35 NEW SUBSECTION. 13. The academic and
36 instructional methodologies and delivery systems to be
37 used by the school and the extent to which the school
38 anticipates each methodology and delivery system will
39 be used, including but not limited to, classroom
40 instruction, correspondence, electronic
41 telecommunications, independent study, and portfolio
42 experience evaluation.

43 Sec. ____ Section 261B.8, Code 1995, is amended to
44 read as follows:

45 261B.8 REGISTRATION FEES.

46 The secretary shall collect an initial registration
47 fee of ~~forty one thousand~~ dollars and an annual
48 renewal of registration fee of ~~twenty-five five~~
49 hundred dollars from each registered school.

50 Sec. ____ Section 261B.10, Code 1995, is amended

Page 3

1 to read as follows:

2 261B.10 ADVISORY COMMITTEE.

3 The state advisory committee for postsecondary
4 school registration is created. The committee shall
5 consist of the secretary of state and seven members
6 appointed by the coordinating council for post-high
7 school education. Members shall serve for staggered
8 four-year terms and shall include representatives from
9 public and private two-year and four-year colleges,
10 universities, and specialized and vocational schools.

11 The committee shall meet at least annually to
12 advise the secretary and other agencies in matters
13 relating to the administration of this chapter and to
14 serve as a resource and advisory board to the
15 secretary as needed. The secretary shall serve as
16 chairperson of the advisory committee and may call
17 meetings and set the agenda as needed.

18 Sec. ____ Section 261B.11, Code 1995, is amended
19 by adding the following new subsections:

20 NEW SUBSECTION. 9. Postsecondary educational
21 institutions licensed by the state of Iowa to conduct
22 business in the state.

23 NEW SUBSECTION. 10. Accredited higher education
24 institutions that meet the criteria established under
25 section 261.92, subsection 1."

26 2. Title page, line 1, by inserting after the
27 word "to" the following: "postsecondary educational
28 programs,".

29 3. Title page, line 3, by striking the word
30 "and".

31 4. Title page, line 5, by inserting after the
32 word "program" the following: ", modifying the
33 registration requirements for postsecondary schools,
34 and increasing registration fees".

35 5. By renumbering as necessary.

Amendment H-5865 was adopted.

Rants of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2157)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Brand	Gipp	Heaton
Martin	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2427 and Senate Files 2154 and 2157.**

SENATE AMENDMENT CONSIDERED

Dinkla of Guthrie called up for consideration **House File 569**, a bill for an act relating to the motor vehicle leasing tax and providing an applicability provision, amended by the Senate, and moved that the House concur in the following Senate amendment H-5921:

H-5921

- 1 Amend House File 569, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 6, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 3, by striking line 12 and inserting the
- 6 following: "into on or after January 1, 1997."

The motion prevailed and the House concurred in the Senate amendment H-5921.

Dinkla of Guthrie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 569)

The ayes were, 88:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Hammitt Barry	Hanson
Harper	Harrison	Holveck	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 12:

Baker	Brammer	Brand	Ertl
Gipp	Halvorson	Heaton	Jochum
Martin	McCoy	Murphy	Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Rule 76 invoked: McCoy of Polk invoked Rule 76, conflict of interest, on House File 569.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 569** be immediately messaged to the Senate

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2050, a bill for an act relating to selection criteria preferences in the placement of children for adoption by or through the department of human services.

Also: That the Senate has on April 11, 1996, receded from the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 2390, a bill for an act providing for the branding of livestock.

Also: That the Senate has on April 11, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2419, a bill for an act relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring sixty day property payments, requiring certain criteria be adopted by administrative rule, modifying certain damage disclosure statement requirements, providing for entry onto private property for sounding and drilling, exempting operators of trucks hauling cement from certain regulations, and relating to the disposal of abandoned vehicles, and providing for release of retained funds for public improvements.

Also: That the Senate has on April 11, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2422, a bill for an act relating to state sales and services tax exemption for sales or services rendered, furnished, or performed by state and county fairs.

Also: That the Senate has on April 11, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2488, a bill for an act relating to special census certification and providing an effective date.

Also: That the Senate has on April 11, 1996, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 259, a bill for an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

Also: That the Senate has on April 11, 1996, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2085, a bill for an act relating to handicapped parking and providing a penalty.

Also: That the Senate has on April 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2467, a bill for an act increasing the nonpublic school tax credit and eliminating the nonpublic school tax deduction for amounts paid for tuition and textbooks for nonpublic elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions.

Also: That the Senate has on April 11, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, a concurrent resolution recognizing the outstanding work of the employees of the Division of Vocational Rehabilitation Services of the Department of Education and commemorating the 75th anniversary of vocational rehabilitation services in Iowa.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 11:32 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:30 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-three members present, twenty-seven absent.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for immediate consideration of House File 2494.

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2494, a bill for an act authorizing counties to impose additional civil court fees for use for county courthouse libraries, was taken up for consideration.

Rants of Woodbury in the chair at 1:40 p.m.

Millage of Scott offered the following amendment H-5886 filed by him and moved its adoption:

H-5886

- 1 Amend House File 2494 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "libraries" the following: "and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

Amendment H-5886 was adopted.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2494)

The ayes were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drees	Eddie	Ertl
Gipp	Greig	Gries	Grubbs
Hahn	Halvorson	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Kremer	Lamberti	Larkin
Larson	Lord	Mascher	May
McCoy	Mertz	Meyer	Millage
Moreland	Murphy	Myers	Nelson, B.
Nutt	O'Brien	Osterhaus	Schrader
Schulte	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Van Maanen	Veenstra
Weidman	Welter	Wise	Rants, Presiding

The nays were, 30:

Bell	Bernau	Brammer	Burnett
Cohoon	Connors	Doderer	Drake
Fallon	Garman	Greiner	Grundberg
Hammitt Barry	Harper	Holveck	Jochum
Klemme	Koenigs	Kreiman	Main
Metcalf	Mundie	Nelson, L.	Renken
Shoultz	Taylor	Vande Hoef	Warnstadt
Weigel	Witt		

Absent or not voting, 6:

Baker	Brand	Martin	Ollie
Salton	Thomson		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE .

Gipp of Winneshiek asked and received unanimous consent that **House File 2494** be immediately messaged to the Senate.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for immediate consideration of Senate File 2453.

Regular Calendar

Senate File 2453, a bill for an act relating to boilers and unfired steam pressure vessels by providing for the inspection of certain unfired steam pressure vessels, the procedure for adopting rules, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2453)

The ayes were, 91:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Brammer	Branstad
Brunkhorst	Burnett	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Doderer
Drake	Drees	Eddie	Ertl

Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Osterhaus	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weigel	Welter
Wise	Witt	Rants, Presiding	

The nays were, none.

Absent or not voting, 9:

Baker	Bradley	Brand	Brauns
Carroll	Disney	Ollie	Salton
Weidman			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2453** be immediately messaged to the Senate.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for immediate consideration of **Senate File 2464**.

Appropriations Calendar

Senate File 2464, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 2:24 p.m., until the fall of the gavel.

The House resumed session at 3:30 p.m., Rants of Woodbury in the chair.

Jacobs of Polk offered amendment H-5896 filed by the committee on appropriations as follows:

H-5896

1 Amend Senate File 2464, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 34 the
4 following:

5 "Sec. . NEW SECTION. 358C.24 DISCLOSURE OF
6 SPECIAL ASSESSMENT.

7 The seller of property in a real estate improvement
8 district or a person acting on behalf of a seller
9 shall disclose the amount of any special assessment
10 under this chapter against the property during
11 negotiations for the sale of the property."

12 2. Page 12, line 7, by striking the words
13 "twenty-five" and inserting the following: "ten".

14 3. Page 12, by striking lines 9 through 17 and
15 inserting the following:

16 "For a municipality with a population of fifteen
17 thousand or less, the amount to be provided for low
18 and moderate income family housing shall be the same
19 as for a municipality of over fifteen thousand in
20 population, except that a municipality of fifteen
21 thousand or less in population is not subject to the
22 requirement to provide not less than an amount equal
23 to ten percent of the original project cost for low
24 and moderate income family housing."

25 4. Page 13, by inserting after line 26 the
26 following:

27 "6. A municipality shall not prohibit or restrict
28 the construction of manufactured homes in any project
29 for which public improvements were finalized under
30 this section. As used in this subsection,
31 "manufactured home" means the same as under section
32 435.1, subsection 2."

33 5. By striking page 13, line 27, through page 19,
34 line 2.

35 6. Page 21, by inserting after line 29 the
36 following:

37 "Sec. . NEW SECTION. 446.19A PURCHASE BY
38 COUNTY OR CITY FOR LOW OR MODERATE INCOME HOUSING.

39 Notwithstanding section 446.18, a city or county
40 may purchase abandoned property assessed as
41 residential or commercial multifamily housing which
42 did not sell at an annual tax sale under section 446.7
43 for the total amount due. Money shall not be paid by
44 the county or other tax-levying or tax-certifying body
45 for the purchase, but each of the tax-levying and tax-
46 certifying bodies having any interest in the taxes
47 shall be charged with the total amount due the tax-
48 levying or tax-certifying body as its just share of
49 the purchase price. Prior to the purchase the city or
50 county shall file with the county treasurer a verified

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1 statement that a parcel to be purchased is abandoned
2 and deteriorating in condition or is, or is likely to
3 become, a public nuisance, and that the parcel is
4 suitable for use for low or moderate income housing
5 following rehabilitation.

6 The city or county may sell the certificate of
7 purchase. Preference shall be given to purchasers who
8 are low or moderate income families or organizations
9 which assist low and moderate income families to
10 obtain housing. For the purpose of this section, "low
11 or moderate income families" has the same meaning as
12 in section 403.17. All persons who purchase
13 certificates under this section shall demonstrate the
14 intent to rehabilitate the property for habitation if
15 the property is not redeemed. In the alternative, the
16 county may, if title to the property has vested in the
17 county under section 447.9, dispose of the property in
18 accordance with section 331.361."

19 7. By striking page 21, line 35, through page 24,
20 line 13, and inserting the following:

21 "Sec. ____ Section 16.100, Code 1995, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 1A. a. Moneys transferred to the
24 housing improvement fund pursuant to section 428A.8,
25 subsection 1, paragraph "b", shall be distributed, on
26 a per capita basis according to the 1990 federal
27 census, to each county.

28 b. In order to receive moneys under this
29 subsection, a county shall be a member of a housing
30 council. The housing council shall consist of the
31 supervisors of the county and the mayor of each city
32 in the county, or their designees. A housing council
33 may represent more than one county and the cities
34 within each county and may be an entity formed under
35 chapter 28E or an entity under chapter 28H.

36 c. The function of the housing council shall be to
37 coordinate housing programs in the county including
38 having housing needs assessments completed if not
39 already done, developing or coordinating a housing
40 plan approved by the department of economic
41 development, encouraging the formation of partnerships
42 with other governmental entities and public-private
43 partnerships regarding housing, and recommending
44 funding for projects under the housing plan from
45 moneys received under this subsection.

46 d. Moneys received under this subsection shall
47 only be used for housing programs which facilitate
48 housing development, including housing trust funds or
49 programs for the rehabilitation or construction of
50 housing. The cost of the housing needs assessment may

Page 3

1 be paid from moneys received under this subsection.
2 Moneys not obligated for a project recommended by the
3 housing council within one year of transfer shall
4 revert to the general fund of the state.

5 e. Counties receiving moneys under this subsection
6 shall track the use of the funds by project, program,
7 or activity and shall provide a report to the
8 department of economic development and the Iowa
9 finance authority regarding the use of the funds by
10 December 15 of each year.

11 f. Moneys provided under this subsection shall not
12 be used to supplant funding for housing programs
13 provided by a city or county.

14 g. The authority shall adopt rules to administer
15 this subsection.

16 Sec. ____ Section 428A.8, Code 1995, is amended to
17 read as follows:

18 428A.8 REMITTANCE TO STATE TREASURER - PORTION
19 RETAINED IN COUNTY.

20 1. On or before the tenth day of each month the
21 county recorder shall determine and pay to the
22 treasurer of state eighty-two and three-fourths
23 percent of the receipts from the real estate transfer
24 tax collected during the preceding month and the
25 treasurer of state shall deposit ninety-five the
26 receipts as follows:

27 a. Twenty percent of the receipts in the general
28 fund of the state and transfer five percent of the
29 receipts shall be transferred to the Iowa finance
30 authority for deposit in the housing improvement fund
31 created in section 16.100.

32 b. Of the remaining receipts, fifty percent shall
33 be deposited in the general fund of the state and
34 fifty percent shall be transferred to the Iowa finance
35 authority for deposit in the housing improvement fund
36 created in section 16.100 for the purposes of section
37 16.100, subsection 1A.

38 2. The county recorder shall deposit the remaining
39 seventeen and one-fourth percent of the receipts in
40 the county general fund.

41 3. The county recorder shall keep records and make
42 reports with respect to the real estate transfer tax
43 as the director of revenue and finance prescribes."

44 8. Page 24, by striking lines 33 and 34 and
45 inserting the following:

46 "1. The board of supervisors of a county with a
47 population of less than twenty thousand may adopt an
48 ordinance providing that property acquired and
49 subdivided for development of".

50 9. Page 25, by striking lines 7 and 8 and

Page 4

1 inserting the following:

2 "2. The board of supervisors of a county with a
3 population of twenty thousand or more may adopt an
4 ordinance providing that property acquired and
5 subdivided for development of".

6 10. Page 25, by striking lines 17 through 20 and
7 inserting the following:

8 "DIVISION 101

9 Sec. ____ Section 404.2, subsection 2, paragraph
10 f, unnumbered paragraph 1, Code 1995, is amended to
11 read as follows:

12 A statement specifying whether the revitalization
13 is applicable to none, some, or all of the property
14 assessed as residential, agricultural, commercial or
15 industrial property within the designated area or a
16 combination thereof and whether the revitalization is
17 for rehabilitation and additions to existing buildings
18 or new construction or both. If revitalization is
19 made applicable only to some property within an
20 assessment classification, the definition of that
21 subset of eligible property must be by uniform
22 criteria which further some planning objective
23 identified in the plan. The city shall state how long
24 it is estimated that the area shall remain a
25 designated revitalization area which time shall be
26 longer than one year from the date of designation and
27 shall state any plan by the city to issue revenue
28 bonds for revitalization projects within the area.
29 ~~For a county, a revitalization area shall include only~~
30 ~~property which will be used as industrial property~~
31 ~~only.~~

32 Sec. ____ Section 404.2, subsection 6, Code 1995,
33 is amended to read as follows:

34 6. The city or county has adopted the proposed or
35 amended plan for the revitalization area after the
36 requisite number of hearings. The city or county may
37 subsequently amend this plan after a hearing. Notice
38 of the hearing shall be published as provided in
39 section 362.3 or 331.305, except that at least seven
40 days' notice must be given and the public hearing
41 shall not be held earlier than the next regularly
42 scheduled city council or board of supervisors meeting
43 following the published notice. A city which has
44 adopted a plan for a revitalization area which covers
45 all property within the city limits may amend that
46 plan at any time, pursuant to this section, to include
47 property which has been or will be annexed to the
48 city. The provisions of the original plan shall be
49 applicable to the property which is annexed and the
50 property shall be considered to have been part of the

Page 5

1 revitalization area as of the effective date of its
 2 annexation to the city.
 3 Sec. ____ Section 404.5, Code 1995, is amended by
 4 adding the following new unnumbered paragraph:
 5 NEW UNNUMBERED PARAGRAPH. For the purposes of this
 6 section, the actual value of the property upon which
 7 the value of improvements in the form of
 8 rehabilitation or additions to existing structures
 9 shall be determined shall be the lower of either the
 10 amount listed on the assessment rolls in the
 11 assessment year in which such improvements are first
 12 begun or the price paid by the owner if the
 13 improvements in the form of rehabilitation or
 14 additions to existing structures were begun within one
 15 year of the date the property was purchased and the
 16 sale was a fair and reasonable exchange between a
 17 willing buyer and a willing seller, neither being
 18 under any compulsion to buy or sell and each being
 19 familiar with all the facts relating to the particular-
 20 property.
 21 Sec. ____ APPLICABILITY. This amendment in this
 22 division to section 404.5 applies to tax exemptions
 23 granted under chapter 404 for improvements to real
 24 property first begun on or after January 1, 1995.
 25 DIVISION 102
 26 Sec. ____ EFFECTIVE DATES. Divisions I, II, and
 27 101 of this Act, being deemed of immediate importance,
 28 take effect upon enactment. Division V of this Act
 29 takes effect July 1, 1997.”
 30 11. Title page, line 3, by striking the word
 31 “date” and inserting the following: “and
 32 applicability dates”.
 33 12. By renumbering as necessary.

McCoy of Polk offered the following amendment H-5930, to the committee amendment H-5896, filed by him and Cataldo from the floor and moved its adoption:

H-5930

1 Amend the amendment, H-5896, to Senate File 2464,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, line 25, by striking the word “, on”.
 5 2. Page 2, by striking lines 26 and 27 and
 6 inserting the following: “to each county based on the
 7 proportion of real estate transfer tax collected in
 8 the county to the total amount of real estate transfer
 9 tax collected in all counties.”

Roll call was requested by McCoy of Polk and Fallon of Polk.

On the question "Shall amendment H-5930, to the committee amendment H-5896, be adopted?" (S.F. 2464)

The ayes were, 20:

Baker	Bernau	Brammer	Burnett
Cataldo	Connors	Doderer	Fallon
Holveck	Jochum	Lamberti	Mascher
McCoy	Myers	Nelson, L.	Schrader
Shoultz	Taylor	Warnstadt	Witt

The nays were, 70:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brunkhorst
Carroll	Cohon	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Garman	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Heaton	Houser
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Larkin	Larson
Lord	Main	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nutt
O'Brien	Osterhaus	Renken	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Weigel	Welter
Wise	Rants,		
	Presiding		

Absent or not voting, 10:

Brand	Brauns	Churchill	Gipp
Grundberg	Harrison	Hurley	Martin
Ollie	Salton		

Amendment H-5930 lost.

Wise of Lee offered the following amendment H-5929, to the committee amendment H-5896, filed by him and Jochum from the floor and moved its adoption:

H-5929

- 1 Amend the amendment, H-5896, to Senate File 2464,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 27, by striking the word "Twenty"

- 5 and inserting the following: "Sixty".
 6 2. Page 3, by striking lines 32 through 34 and
 7 inserting the following:
 8 "b. Forty percent of the receipts shall be
 9 transferred to the Iowa finance".

Amendment H-5929 lost.

Jacobs of Polk offered the following amendment H-5924, to the committee amendment H-5896, filed by her from the floor and moved its adoption:

H-5924

- 1 Amend the amendment, H-5896, to Senate File 2464,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 49 the
 5 following:
 6 "_. Page 25, lines 1 and 2, by striking the
 7 words "until a" and inserting the following: ". Each
 8 lot shall continue to be taxed in the manner it was
 9 prior to its acquisition for housing until the."
 10 2. Page 4, by inserting after line 5 the
 11 following:
 12 "_. Page 25, lines 10 and 11, by striking the
 13 words "until a" and inserting the following: ". Each
 14 lot shall continue to be taxed in the manner it was
 15 prior to its acquisition for housing until the".

Amendment H-5924 was adopted.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2464 be deferred.

(The committee amendment H-5896 pending)

ADOPTION OF HOUSE RESOLUTION 105

Burnett of Story called up for consideration of House Resolution 105, a House resolution congratulating the Iowa State Cyclones Men's Basketball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Burnett of Story presented to the House, Iowa State Cyclones Men's Basketball Coach, Tim Floyd who introduced each member of the Iowa State Big 8 Conference Championship Basketball Team and also members of his staff. Burnett of Story presented Coach Floyd with House Resolution 105, previously adopted, congratulating the team on its outstanding basketball season.

Coach Floyd addressed the House briefly and introduced Gene Smith, Athletic Director of Iowa State University, Ames, who also addressed the House.

The House rose and expressed its welcome and appreciation.

The House resumed consideration of **Senate File 2464**, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date, previously deferred and the committee amendment H-5896 pending.

Fallon of Polk offered the following amendment H-5938, to the committee amendment H-5896, filed by him and Holveck from the floor and moved its adoption:

H-5938

- 1 Amend the amendment, H-5896, to Senate File 2464,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 25 through 32.
- 5 2. By renumbering as necessary.

Amendment H-5938 lost.

On motion by Jacobs of Polk, the committee amendment H-5896, as amended, was adopted.

Weigel of Chickasaw offered the following amendment H-5926 filed by him from the floor and moved its adoption:

H-5926

- 1 Amend Senate File 2464, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, line 1, by inserting after the word
- 4 "guidelines" the following: " , by limiting the tax
- 5 revenues to be deposited in the special fund from that
- 6 portion of the assessed value defined in section
- 7 403.19, subsection 2, of property assessed as
- 8 residential property, to the tax revenues from any
- 9 levy on the first two hundred thousand dollars of
- 10 improvements to each parcel of such residential
- 11 property. Any value of such property in excess of two
- 12 hundred thousand dollars shall be included in the
- 13 valuation defined in section 403.19, subsection 1,"
- 14 2. Page 12, line 1, by inserting after the word
- 15 "or" the following: "by providing".

Amendment H-5926 was adopted.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2464)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Branstad	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Rants, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Brand	Brauns	Hurley
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2464** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2448)

Kremer of Buchanan called up for consideration the report of the conference committee on Senate File 2448 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2448

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2448, a bill for an Act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-5622.
2. That Senate File 2448, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 30 the following:

"A first-time violation detected during or as a result of random testing to detect civil rights violations shall not result in assessment of a fine over \$500.00. The intent of civil rights testing shall be educational. If this provision is determined to be illegal or unconstitutional by a court of law, or if the provision would in any way jeopardize a federal department of housing and urban development grant to the commission, the provision shall not apply.

The questionnaire which the Iowa state civil rights commission requires an employer to complete during the course of an investigation, after a complaint against the employer has been filed, shall be revised and shortened."

2. Page 3, line 12, by striking the figure "29,552" and inserting the following: "32,894".
3. Page 3, line 23, by striking the figure "2,200,738" and inserting the following: "2,197,396".
4. Page 4, line 8, by striking the figure "50,000" and inserting the following: "46,658".
5. Page 5, line 1, by striking the figure "997,900" and inserting the following: "884,900".
6. Page 17, line 6, by striking the figure "1,065,000" and inserting the following: "952,000".

7. Page 18, line 4, by striking the figure "735,000" and inserting the following: "622,000".

8. Page 19, line 25, by striking the word "county" and inserting the following: "county, as agreed upon by the county board of supervisors and any boards of health within the county,".

9. Page 19, by striking lines 28 through 30 and inserting the following: "funds become available. The department shall submit a report to the general assembly on or before January 2, 1997, which shall include an evaluation of the first year of the voluntary demonstration project and a plan to expand statewide a single source contract for each county beginning July 1, 1997. The department may include other state and federal".

10. Page 21, by striking lines 12 through 17 and inserting the following:

"6A. STATUS OF WOMEN DIVISION CONTINGENT APPROPRIATION.

If the general assembly does not enact a statute creating a department of workforce development with responsibility for the mentoring project for family investment program participants, the following amount for the division of the status of women to implement the mentoring project under section 239.22:

.....	\$	72,000
.....	FTEs	1.50"

11. Page 21, line 28, by striking the figure "478,235" and inserting the following: "378,021".

12. Page 22, line 11, by striking the words "new grants and".

13. Page 22, line 16, by striking the figure "1,800,000" and inserting the following: "1,600,000".

14. Page 24, by striking lines 6 through 9 and inserting the following: "232.190."

15. Page 24, line 30, by striking the figure "18.6" and inserting the following: "18.6, subsections 1 through 7, and subsections 9 through 14, and the dollar limitation in subsection 8".

16. Page 25, line 3, by inserting after the word "subcommittee." the following: "Prior to making a purchase under this section, the department shall first determine whether goods or services are available from a targeted small business and preference shall be given to making the purchases from targeted small businesses."

17. Page 25, line 10, by striking the word "gamblers" and inserting the following: "gambling".

18. Page 25, line 15, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".

19. Page 25, line 18, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".

20. Page 25, line 26, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".

21. Page 25, line 28, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".

22. Page 25, lines 34 and 35, by striking the words "gamblers assistance" and inserting the following: "~~gamblers-assistance~~ gambling".

23. Page 26, line 13, by striking the word "gamblers" and inserting the following: "gambling".

24. By renumbering as necessary.

ON THE PART OF THE HOUSE

JOSEPH KREMER, Chair
NORMAN MUNDIE
KEITH WEIGEL

ON THE PART OF THE SENATE

TOM FLYNN, Chair
NANCY BOETTGER
DICK DEARDEN
RANDAL GIANNETTO
WILMER RENSINK

A non-record roll call was requested.

The ayes were 48, nays 19.

The motion prevailed and the report was adopted.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2448)

The ayes were, 76:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Branstad	Burnett
Cataldo	Connors	Corbett, Spkr.	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Meyer	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
Ollie	Osterhaus	Renken	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, 19:

Blodgett	Bradley	Brunkhorst	Carroll
Churchill	Cohon	Coon	Cormack

Ertl	Grundberg	Harrison	Metcalf
Millage	Moreland	Myers	O'Brien
Schulte	Tyrrell	Van Maanen	

Absent or not voting, 5:

Brammer	Brand	Brauns	Hurley
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGE CONSIDERED

Senate File 2467, by committee on ways and means, a bill for an act increasing the nonpublic school tax credit and eliminating the nonpublic school tax deduction for amounts paid for tuition and textbooks for nonpublic elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2201, a bill for an act relating to defining the practice of dentistry.

Also: That the Senate has on April 11, 1996, insisted on its amendment to House File 2449, a bill for an act setting campaign contribution limits by persons and political committees, addressing independent expenditures on behalf of candidates, employee and member contributions, making penalties applicable, and providing an effective date, and the members of the conference Committee on the part of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Johnson, Senator Neuhauser; the Senator from Warren, Senator Fink; the Senator from Muscatine, Senator Drake; the Senator from Clinton, Senator Rittmer.

Also: That the Senate has on April 11, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 119, a concurrent resolution expressing the sympathy of the Iowa General Assembly to the family of Captain John R. Pitzen, United States Navy.

Also: That the Senate has on April 11, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 123, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

Also: That the Senate has on April 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2457, a bill for an act relating to single-family residential construction and by establishing a mediation process providing consumer remedies, and providing for related matters.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on April 11, 1996. Had I been present, I would have voted "aye" on House File 569 and Senate File 2157.

MARTIN of Scott

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this Eleventh day of April, 1996: House Files 111, 210, 514, 2190, 2350, 2407 and 2444.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Kremer of Buchanan announced that the Honorable Marvin Diemer, former member of the House representing Black Hawk County, was present in the House chamber on April 10, 1996.

The Speaker announced that the following visitors were present in the House chamber:

Twenty fourth grade students from Murray Community School, Murray, accompanied by Karen Stroud. By Arnold of Lucas.

Forty-four twelfth grade students from Jefferson High School, Cedar Rapids, accompanied by Suzanne Kresi. By Welter of Jones, Brammer, Corbett and Taylor all of Linn.

Forty-seven sixth grade students from Meservey-Thorton-Sheffield-Chapin Middle School, accompanied by Mr. Jack Amble, Mrs. Alice Heitland, Mr. Jerry Martinek and Miss Morey. By Sukup of Franklin and Blodgett of Cerro Gordo.

Sixteen fifth grade students from St. Cecilia's Parochial, Ames, accompanied by Sister Dorothy Ann Chevalier and Mrs. Linda White. By Bernau, Burnett and Garman all of Story.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF GENERAL SERVICES

The Annual Report, pursuant to Chapter 7A.3(11), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\459 Amy Seyffer, Hudson High School, Hudson – For receiving 5th place in Solo Competition at the Showstoppers National Show Choir Invitational.
- 1996\460 "First Edition Choir", Hudson High School, Hudson – For receiving 4th place in Show Choir Competition at the Showstoppers National Show Choir Invitational.
- 1996\461 Lawrence Hesse, Cedar Falls – For his retirement from John Deere Waterloo Works.
- 1996\462 Matthew Grundman, Bedford – For being named the 1996 Iowa Small Business Person of the Year by the U.S. Small Business Administration.
- 1996\463 Lillian and Earl Petersen, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\464 Patricia and William Young, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\465 Mary Stichter, Davenport – For celebrating her Ninetieth birthday.
- 1996\466 Olga Kiefer, Davenport – For celebrating her Ninetieth birthday.
- 1996\467 Lillian and Andy Slycord – For celebrating their Fiftieth wedding anniversary.

APPOINTMENT

The Speaker announced the following appointment:

Education Commission of the States
(Chapter 272B.2)

Don Gries To a term ending June 30, 1997

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 757 Ways and Means

Providing for the modification or termination of certain testamentary trusts by the court.

RESOLUTIONS FILED

HCR 126, by Harrison, Bradley, Van Fossen, Main, McCoy, Boddicker, Gipp, Halvorson and Fallon, a concurrent resolution to request the establishment of a legislative interim committee to study child visitation and custody issues.

Laid over under **Rule 25**.

SCR 118, by Szymoniak, a concurrent resolution recognizing the outstanding work of the employees of the Division of Vocational Rehabilitation Services of the Department of Education and commemorating the 75th anniversary of vocational rehabilitation services in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5925	S.F.	2206	Tyrrell of Iowa
H-5927	H.F.	2050	Senate Amendment
H-5928	H.F.	2497	Meyer of Sac Cormack of Webster Grundberg of Polk Houser of Pottawattamie Drake of Pottawattamie
H-5931	H.F.	2496	Vande Hoef of Osceola
H-5932	S.F.	2372	Fallon of Polk
H-5933	S.F.	2372	Kreiman of Davis
H-5934	S.F.	2372	Holveck of Polk
H-5935	S.F.	2372	Holveck of Polk
H-5936	S.F.	2372	McCoy of Polk
H-5937	S.F.	2365	Weigel of Chickasaw
H-5939	H.F.	2497	Gipp of Winneshiek
H-5940	H.F.	2201	Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 6:05 p.m., until 9:30 a.m., Friday, April 12, 1996.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day – Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 12, 1996

The House met pursuant to adjournment at 9:30 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by the Honorable Horace Daggett, state representative from Union County.

The Journal of Thursday, April 11, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brand of Benton and Weigel of Chickasaw, both on request of Schrader of Marion.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2114, a bill for an act relating to the amount of prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for changes in the mandatory minimum terms of sentences to be served, providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a sentencing task force and a departmental study, and making other related changes.

JOHN F. DWYER, Secretary

SPECIAL PRESENTATION

Carroll of Poweshiek presented to the House his mother, Mrs. Joyce Carroll of Spencer, Indiana. Mrs. Carroll is a Master stone carver who has carved the replacement stones currently being used in the outside restoration of the State Capitol.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2298, a bill for an act relating to the awarding of costs to a prevailing taxpayer in a proceeding against the department of revenue and finance under the state tax procedures and practices Act and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Dinkla of Guthrie offered the following amendment H-5894 filed by the committee on ways and means and moved its adoption:

H-5894

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "Sec. ____ Section 421.60, Code Supplement 1995,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 11. SANCTIONS.
8 a. The department may be awarded in an
9 administrative proceeding, contested case proceeding,
10 or court proceeding related to the determination or
11 collection of a tax, penalty, or interest, a penalty
12 not in excess of twenty-five thousand dollars by the
13 department, state board of tax review, or a court,
14 based upon any of the following:
15 (1) The proceeding has been instituted or caused
16 by the taxpayer primarily for delay.
17 (2) The taxpayer's position in the proceeding is
18 frivolous or groundless.
19 b. All of the provisions of section 422.26 shall
20 apply in respect to the penalty awarded by the
21 department or state board of tax review. The lien for
22 the penalty shall attach on the date of recordation
23 and shall continue for ten years unless sooner
24 released or discharged. The lien may be extended by
25 filing for record a notice and from the time of that
26 filing, the lien shall be extended to the property in
27 the county for ten years, unless sooner released or
28 otherwise discharged, with no limit on the number of
29 extensions. The lien shall be recorded by the county
30 recorder in the book associated with tax, penalty, or
31 interest for which the penalty was awarded.
32 c. All penalties paid or collected shall be
33 deposited in the general fund of the state."
34 2. Title page, line 1, by striking the words "to
35 a prevailing taxpayer" and inserting the following:
36 "or penalty to a prevailing party".

The committee amendment H-5894 was adopted.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2298)

The ayes were, 89:

Arnold
Boddicker

Baker
Bogges

Bell
Bradley

Bernau
Branstad

Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 11:

Blodgett	Brammer	Brand	Brauns
Grubbs	Hurley	Main	Salton
Siegrist	Weigel	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 110

Tyrrell of Iowa called up for consideration House Concurrent Resolution 110, a concurrent resolution requesting the State Department of Transportation to establish a scenic route designation, and moved its adoption.

The motion prevailed and the resolution was adopted.

Unfinished Business Calendar

The House resumed consideration of **House File 2453**, a bill for an act relating to the regulation of industrial loan companies by establishing certain requirements applicable to a change of control, providing for the appointment of the superintendent or the federal deposit insurance corporation as receiver, and requiring an industrial loan company to obtain federal deposit insurance for certain debt instruments, and making a penalty applicable, previously deferred and placed on the unfinished business calendar.

Nutt of Woodbury offered the following amendment H-5732 filed by him and moved its adoption:

H-5732

- 1 Amend House File 2453 as follows:
- 2 1. Page 3, line 6, by inserting after the word
- 3 "industrial" the following: "loan".

Amendment H-5732 was adopted.

Nutt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2453)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Branstad
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veestra	Warnstadt	Weidman
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Blodgett	Brammer	Brand	Brauns
Grubbs	Hurley	Salton	Weigel

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 2097, a bill for an act providing a sales, services, and use tax exemption on certain packaging materials used in agricultural, livestock, or dairy production, with report of committee recommending passage, was taken up for consideration.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2097)

The ayes were, 87:

Arnold	Baker	Bell	Bernau
Boddicker	Boggess	Bradley	Branstad
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Holveck	Houser
Huseman	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 5:

Grundberg	Heaton	Jacobs	Martin
McCoy			

Absent or not voting, 8:

Blodgett	Brammer	Brand	Brauns
Grubbs	Hurley	Salton	Weigel

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2453 and Senate Files 2097 and 2298.**

House File 2498, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees, was taken up for consideration.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2498)

The ayes were, 90:

Arnold	Bell	Bernau	Boddicker
Boggess	Bradley	Branstad	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter,	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 10:

Baker	Blodgett	Brammer	Brand
Brauns	Grubbs	Hurley	Salton
Siegrist	Weigel		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2498 and House Concurrent Resolution 110.**

Appropriations Calendar

House File 2497, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, was taken up for consideration.

Garman of Story offered the following amendment H-5941 filed by her from the floor and moved its adoption:

H-5941

- 1 Amend House File 2497 as follows:
- 2 1. Page 1, line 17, by striking the figure
- 3 "104,400" and inserting the following: "105,400".
- 4 2. Page 1, line 19, by striking the figure
- 5 "100,600" and inserting the following: "101,500".
- 6 3. Page 1, line 21, by striking the figure
- 7 "100,500" and inserting the following: "101,400".
- 8 4. Page 1, line 23, by striking the figure
- 9 "96,700" and inserting the following: "97,600".
- 10 5. Page 1, line 25, by striking the figure
- 11 "95,800" and inserting the following: "96,700".
- 12 6. Page 1, line 28, by striking the figure
- 13 "92,000" and inserting the following: "92,900".
- 14 7. Page 1, line 30, by striking the figure
- 15 "80,100" and inserting the following: "80,800".
- 16 8. Page 1, line 32, by striking the figure
- 17 "20,300" and inserting the following: "20,500".
- 18 9. Page 2, line 1, by striking the figure "5,200"
- 19 and inserting the following: "5,250".

Amendment H-5941 lost.

Gipp of Winneshiek offered the following amendment H-5939 filed by him and moved its adoption:

H-5939

- 1 Amend House File 2497 as follows:
- 2 1. Page 4, by striking lines 9 and 10 and
- 3 inserting the following: "education, and commandant
- 4 of the veterans home."
- 5 2. Page 5, line 2, by inserting after the word
- 6 "services," the following: "secretary of the state
- 7 fair board."

Amendment H-5939 was adopted.

Meyer of Sac offered the following amendment H-5928 filed by Meyer, et. al., and moved its adoption:

H-5928

1 Amend House File 2497 as follows:

2 1. Page 10, by inserting after line 18 the
3 following:

4 "Sec. ____ REPORT ON PROJECTED COSTS OF SALARY
5 INCREASES FOR FISCAL YEARS 1998 AND 1999. The
6 legislative fiscal bureau shall prepare a report to
7 the chairpersons and ranking members of the committees
8 on appropriations which projects the total costs of
9 all salary increases including the annualization of
10 salaries for the fiscal years 1998 and 1999. The
11 report shall include salary costs from all funds
12 including the general fund of the state and the
13 restricted funds. The report shall be submitted not
14 later than April 1, 1997."

15 2. By renumbering as necessary.

Amendment H-5928 was adopted.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2497)

The ayes were, 81:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Schrader	Schulte

Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Vande Hoef	Warnstadt
Weidman	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 10:

Branstad	Brunkhorst	Fallon	Grundberg
Hahn	Houser	Meyer	Renken
Van Fossen	Veenstra		

Absent or not voting, 9:

Blodgett	Brammer	Brand	Brauns
Grubbs	Hurley	Salton	Shoultz
Weigel			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2497** be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED (House File 2449)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2449: Gipp of Winneshiek, Chair; Renken of Grundy, Jacobs of Polk, Jochum of Dubuque and Moreland of Wapello.

COMMUNICATION FROM THE DEPARTMENT OF MANAGEMENT

The following communication was received from the Department of Management on April 10, 1996, and is on file in the office of the Chief Clerk:

April 3, 1996

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Administration and Rules Committee of the House of Representatives.

This listing includes 24 claims of general nature that were denied by the State Appeal Board at the March 25, 1996 meeting. This supplements our filing of February 29, 1996.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,

Gretchen Tegeler
Chairperson
STATE APPEAL BOARD

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 76TH GENERAL ASSEMBLY
March 1996

<u>Claim</u>	<u>FullName</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G960491	Linda D. Munoz	Correctionville, IA.	Dependent Care	\$124.00
G960525	James R. Schoenroch	Ames, IA.	Dependent Care	\$643.60
G960573	Families of NE Iowa	Maquoketa, IA.	Provider Services	\$1,422.90
G960579	Families of NE Iowa	Maquoketa, IA.	Provider Services	\$60.72
G960590	Families of NE Iowa	Maquoketa, IA.	Provider Services	\$261.92
G961060	Plains Area Mental Health Center	Cherokee, IA.	Provider Services	\$296.80
G961188	Friendly House	Davenport, IA.	Child Care	\$1,313.76
G961189	Friendly House	Davenport, IA.	Child Care	\$72.93
G961200	Gerry Ann Prine	Carlisle, IA.	Reimbursement	\$250.00
G961333	Mother Goose Child Care & Preschool	Council Bluffs, IA.	Day Care	Undetermined
G961444	Jerry Ryan	Maxwell, IA.	Dependent Care	\$160.00
G961455	Families, Inc.	West Branch, IA.	Provider Services	\$1,679.51
G961457	Families, Inc.	West Branch, IA.	Provider Services	\$71.26
G961459	Families, Inc.	West Branch, IA.	Provider Services	\$320.67
G961539	Dan VanDerLinden	Sioux City, IA.	Dependent Care	\$194.00

<u>Claim</u>	<u>Fullname</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G961574	Goodwill Industries of Southeast Iowa	Iowa City, IA.	Provider Services	\$2,777.60
G961609	Goodwill Industries of Southeast Iowa	Iowa City, IA.	Provider Services	\$9,360.00
G961632	Pottawattamie County Board of Supervisors	Council Bluffs, IA.	Commitment	\$281.00
G961680	Jan Davis	Ottumwa, IA.	Dependent Care	\$384.25
G961710	Midwest Psychotherapy Assoc.	Omaha, NE.	Therapy	\$321.28
G961767	Family Resources, Inc.	Davenport, IA.	Provider Services	\$966.31
G961768	Family Resources, Inc.	Davenport, IA.	Provider Services	\$2,653.95
G961769	Family Resources, Inc.	Davenport, IA.	Provider Services	\$1,674.03
G961903	Eau Claire Academy	Eau Claire, WI.	Maintenance	\$1,834.40

**MOTION TO RECONSIDER
(Senate File 2448)**

I move to reconsider the vote by which Senate File 2448 passed the House on April 11, 1996.

SIEGRIST of Pottawattamie

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this twelfth day of April, 1996: House Files 334, 419, 511, 2061, 2256, 2306, 2315, 2324, 2456 and 2462.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-four fifth grade students from Exira Elementary, Exira, accompanied by Kay Stork. By Drake of Pottawattamie.

Forty-three fifth grade students from North Cedar, Mechanicsville, accompanied by Ruth Miller, Ann Pruess and Jennifer Borman. By Boddicker of Cedar.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Annual Report of the Iowa Industrial New Jobs Training Program, pursuant to Chapter 7E.5(g), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1996\468 Jorie Graham, Iowa City – For winning a Pulitzer Prize for her poetry book, "The Dream of the Unified Field: New and Selected Poems".
- 1996\469 Allison Dickey, Packwood – For being crowned Miss Iowa Teen U.S.A.
- 1996\470 Dan Field, Corning – For being named Master Editor-Publisher of the Adams County Free Press.
- 1996\471 Donna Haight, Afton – For being named Master Editor-Publisher of the Afton Star-Enterprise.
- 1996\472 Hampton-Dumont Fifth Grade Students, Dumont – For their completion of the Drug Abuse Resistance Education Program.
- 1996\473 Jeremy Kloberdanz, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

Senate File 2138

Appropriations: Houser, Chair; Grundberg and Murphy.

AMENDMENTS FILED

H-5942	H.F.	2496	Vande Hoef of Osceola
H-5943	S.F.	2351	Nelson of Marshall

H-5944	S.F.	2467	Warnstadt of Woodbury
			Metcalf of Polk
			Cohon of Des Moines
			Ollie of Clinton
H-5945	S.F.	2372	Kreiman of Davis
H-5946	S.F.	2372	Kreiman of Davis
H-5947	S.F.	2372	Kreiman of Davis
H-5948	H.F.	2050	Doderer of Johnson
			Dinkla of Guthrie
			Martin of Scott
			Grundberg of Polk
			Metcalf of Polk
			Harper of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 11:15 a.m., until 1:00 p.m., Monday, April 15, 1996.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day – Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 15, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Rabbi Henry Karp, Temple Emanuel, Davenport.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Urbandale Camp Fire Girls and Boys, Urbandale, accompanied by their leaders, Sue Ballard and Cindy Jones.

The Journal of Friday, April 12, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomson of Linn, Heaton of Henry, Dinkla of Guthrie, all until their arrival, on request of Rants of Woodbury; Siegrist of Pottawattamie, on request of Rants of Woodbury; Ertl of Dubuque, on request of Van Maanen of Marion; Bell of Jasper, on request of Schrader of Marion; Taylor of Linn, until his arrival, on request of Ollie of Clinton; Millage of Scott, for April 15 and 16, 1996, on request of Gipp of Winneshiek.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2370, a bill for an act relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies.

Also: That the Senate has on April 12, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2399, a bill for an act relating to eligibility of persons for county general assistance.

Also: That the Senate has on April 12, 1996, insisted on its amendment to Senate File 2154, a bill for an act increasing the penalties for certain offenses involving methamphetamine, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Bisignano, Chair; the

Senator from Marshall, Senator Giannetto; the Senator from Johnson, Senator Neuhauser; the Senator from Polk, Senator Maddox; the Senator from Allamakee, Senator Zieman.

Also: That the Senate has on April 12, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2157, a bill for an act relating to postsecondary educational programs, the duties of the college student aid commission in administering the Iowa guaranteed loan program, creating a chiropractic loan revolving fund, providing for matters related to the chiropractic graduate student forgivable loan program, modifying the registration requirements for postsecondary schools, and increasing registration fees.

Also: That the Senate has on April 11, 1996, refused to concur in the House amendment as amended to the following bill in which the concurrence of the Senate was asked:

Senate File 2300, a bill for an act relating to the willful destruction of E911 addressing signs and providing a penalty.

Also: That the Senate has on April 12, 1996, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2442, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2305, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date, was taken up for consideration.

Lamberti of Polk offered the following amendment H-5805 filed by him and moved its adoption:

H-5805

- 1 Amend House File 2305 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "Sec. 100. Section 422.5, Code 1995, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 12. If a taxpayer repays in the
- 7 current tax year certain amounts of income that were
- 8 subject to tax under this division in a prior year and
- 9 a tax benefit would be allowed under similar
- 10 circumstances under section 1341 of the Internal

11 Revenue Code, a tax benefit shall be allowed on the
12 Iowa return. The tax benefit shall be the reduced tax
13 for the current tax year due to the deduction for the
14 repaid income or the reduction in tax for the prior
15 year or years due to exclusion of the repaid income.
16 The reduction in tax shall qualify as a refundable tax
17 credit on the return for the current year pursuant to
18 rules prescribed by the director."

19 2. Page 2, line 23, by striking the word "This"
20 and inserting the following: "Section 100 of this
21 Act, amending section 422.5, applies retroactively to
22 January 1, 1992, for tax years beginning on or after
23 that date. The remainder of this".

24 3. By renumbering and correcting internal
25 references as necessary.

Amendment H-5805 was adopted.

SENATE FILE 2168 SUBSTITUTED FOR HOUSE FILE 2305

Lamberti of Polk asked and received unanimous consent to substitute Senate File 2168 for House File 2305.

Senate File 2168, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date, was taken up for consideration.

Lamberti of Polk offered the following amendment H-5853 filed by him and moved its adoption:

H-5853

1 Amend Senate File 2168, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 17, by striking the word and
4 figure "January 1" and inserting the following:
5 "March 20".

Amendment H-5853 was adopted.

Lamberti of Polk offered the following amendment H-5807 filed by him and moved its adoption:

H-5807

1 Amend Senate File 2168, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 32, through page 2,
4 line 35.
5 2. By renumbering as necessary.

Amendment H-5807 was adopted.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2168)

The ayes were, 89:

Arnold	Baker	Blodgett	Boddicker
Boguess	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Disney
Doderer	Drake	Drees	Eddie
Fallon	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Sukup
Taylor	Teig	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 11:

Bell	Bernau	Brammer	Brand
Dinkla	Ertl	Greig	Millage
Salton	Siegrist	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2305 WITHDRAWN

Lamberti of Polk asked and received unanimous consent to withdraw House File 2305 from further consideration by the House.

SENATE AMENDMENTS CONSIDERED

Veenstra of Sioux called up for consideration **House File 2050**, a bill for an act relating to selection criteria preferences in the placement of children for adoption by or through the department of human services, amended by the Senate amendment H-5927 as follows:

H-5927

1 Amend House File 2050, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 135L.2, subsection 3, as
6 enacted by 1996 Iowa Acts, Senate File 13, section 2,
7 is amended to read as follows:

8 3. During the initial appointment between a
9 licensed physician and a pregnant minor, a licensed
10 physician, who is providing medical services to a
11 pregnant minor, shall offer the viewing of the video
12 and the written decision-making materials to the
13 pregnant minor, and shall obtain the signed and dated
14 certification form from the pregnant minor. If the
15 pregnant minor has previously been offered the viewing
16 of the video and the written decision-making materials
17 by another source, the licensed physician shall obtain
18 the completed certification form from the other source
19 to verify that the pregnant minor has been offered the
20 viewing of the video and the written decision-making
21 materials. A licensed physician shall not perform an
22 abortion on a pregnant minor prior to obtaining the
23 completed certification form from a pregnant minor.
24 ~~If the pregnant minor decides to terminate parental
25 rights following the child's birth, a copy of the
26 completed certification form shall be attached to the
27 petition for termination of parental rights.~~

28 Sec. 2. Section 135L.4, subsection 3, paragraph d,
29 as enacted by 1996, Iowa Acts, Senate File 13, section
30 4, is amended to read as follows:

31 d. Notwithstanding any law or rule to the
32 contrary, the court proceedings under this section and
33 ~~section 135L.3~~ shall be given precedence over other
34 pending matters to ensure that the court reaches a
35 decision expeditiously.

36 Sec. 3. Section 135L.6, unnumbered paragraph 1, as
37 enacted by 1996 Iowa Acts, Senate File 13, section 6,
38 is amended to read as follows:

39 If a pregnant minor's attending physician certifies
40 in writing that a medical emergency exists which
41 necessitates the immediate performance of an abortion
42 on the pregnant minor, and which results in the
43 inapplicability of section 135L.2 with regard to the
44 required offering of the viewing of the video, ~~of
45 section 135L.3 with regard to notification of a parent
46 prior to the termination of parental rights of a
47 pregnant minor for the purposes of placing the child
48 for adoption,~~ or of section 135L.4 with regard to
49 notification of a parent prior to the performance of
50 an abortion on a pregnant minor, the attending

Page 2

1 physician shall do the following:

2 Sec. 4. Section 135L.6, subsection 2, paragraph e,
3 as enacted by 1996 Iowa Acts, Senate File 13, section
4 6, is amended to read as follows:

5 e. The pregnant minor elects not to allow
6 notification of the pregnant minor's parent and a
7 court authorizes waiver of the notification
8 requirement following completion of the proceedings
9 prescribed under section ~~135L.3~~ or 135L.4.

10 Sec. 5. Section 135L.7, subsections 1 and 2, as
11 enacted by 1996 Iowa Acts, Senate File 13, section 7,
12 are amended to read as follows:

13 1. Knowingly tenders a false original or copy of
14 the signed and dated certification form described in
15 section 135L.2, to be retained by the licensed
16 physician, or to be sent to the pregnant minor's
17 attending physician, ~~or to be attached to the~~
18 ~~termination of parental rights petition pursuant to~~
19 ~~section 135L.3.~~

20 2. Knowingly tenders a false original or copy of
21 the notification document mailed to a parent,
22 grandparent, or aunt or uncle of the pregnant minor
23 under this chapter, a false original or copy of the
24 written certification to be provided to a parent of a
25 pregnant minor pursuant to section 135L.6, or a false
26 original or copy of the order waiving notification
27 relative to the performance of an abortion on a
28 pregnant minor ~~or relative to the termination of~~
29 ~~parental rights of a pregnant minor.~~

30 Sec. 6. Section 232.5, as enacted by 1996 Iowa
31 Acts, Senate File 13, section 10, is amended to read
32 as follows:

33 ~~232.5 ADOPTION OF CHILD BORN TO A MINOR OR~~
34 ~~ABORTION PERFORMED ON A MINOR - WAIVER OF~~
35 ~~NOTIFICATION PROCEEDINGS.~~

36 The court shall have exclusive jurisdiction over
37 the proceedings for the granting of an order for
38 waiver of the notification requirements relating to
39 ~~the adoption of a child born to a minor or to the~~
40 performance of an abortion on a minor pursuant to
41 ~~sections 135L.3 and section~~ 135L.4."

42 2. Page 1, by inserting after line 9 the
43 following:

44 "Sec. ____ Section 600A.6, Code 1995, is amended
45 by adding the following new subsection:

46 NEW SUBSECTION. 7. If a petition for the
47 termination of parental rights of a pregnant minor or
48 a minor who has given birth is filed, notice of the
49 termination hearing shall also be served upon a
50 custodial parent or a legal guardian or custodian of

Page 3

1 the pregnant minor or minor who has given birth in
2 accordance with the service of notice provisions of
3 this section. A custodial parent or a legal guardian
4 or custodian of the pregnant minor or minor who has
5 given birth is not a necessary party under this
6 section and the notice provided under this subsection
7 is for informational purposes only and shall not be
8 construed to confer any substantive rights on the
9 custodial parent or legal guardian or custodian of the
10 pregnant minor or minor who has given birth in
11 addition to those rights existing under current law.
12 Notice under this subsection shall be waived by the
13 court if the court determines that the pregnant minor
14 or minor who has given birth is capable of providing
15 consent to the termination of parental rights of the
16 minor child, that notification is not in the best
17 interest of the pregnant minor or minor who has given
18 birth or of the minor child, or that other good cause
19 exists for the waiver. Failure to provide notice to a
20 custodial parent or a legal guardian or custodian of
21 the pregnant minor or minor who has given birth does
22 not constitute good cause for revocation of a release
23 of custody and is not grounds for denial,
24 modification, vacation, or appeal of a termination of
25 parental rights order or of an interlocutory or final
26 adoption decree.
27 Sec. ____ 1996 Iowa Acts, Senate File 13, sections
28 3, 11, 12, and 13, are repealed.”
29 3. Title page, line 1, by inserting after the
30 word “to” the following: “adoption, including”.
31 4. Title page, line 3, by inserting after the
32 word “services” the following: “, requirements
33 relating to the adoption of the child of a minor
34 parent, and providing a repeal”.

Doderer of Johnson offered amendment H-5948, to the Senate amendment H-5927, filed by Doderer, et. al., as follows:

H-5948

1 Amend the Senate amendment, H-5927, to House File
2 2050, as passed by the House, as follows:
3 1. Page 1, by striking lines 5 through 27 and
4 inserting the following:
5 “Section 1. Section 135L.2, as enacted by 1996
6 Iowa Acts, Senate File 13, section 2, is amended to
7 read as follows:
8 135L.2 PROSPECTIVE MINOR PARENTS DECISION-MAKING
9 ASSISTANCE PROGRAM ESTABLISHED.
10 1. A decision-making assistance program is created
11 to provide assistance to minors in making informed

12 decisions relating to pregnancy. The program shall
13 offer and include all of the following:

14 a. ~~(1) A video, to be developed by a person~~
15 ~~selected through a request for proposals process or~~
16 ~~other contractual agreement, which provides~~
17 ~~information regarding the various options available to~~
18 ~~a pregnant minor with regard to the pregnancy,~~
19 ~~including a decision to continue the pregnancy to term~~
20 ~~and retain parental rights following the child's~~
21 ~~birth, a decision to continue the pregnancy to term~~
22 ~~and place the child for adoption following the child's~~
23 ~~birth, and a decision to terminate the pregnancy~~
24 ~~through abortion. The video shall provide the~~
25 ~~information in a manner and language, including but~~
26 ~~not limited to, the use of closed captioning for the~~
27 ~~hearing impaired, which could be understood by a~~
28 ~~minor.~~

29 ~~(2) The video shall explain that public and~~
30 ~~private agencies are available to assist a pregnant~~
31 ~~minor with any alternative chosen.~~

32 ~~(3) The video shall explain that if the pregnant~~
33 ~~minor decides to continue the pregnancy to term, and~~
34 ~~to retain parental rights to the child, the father of~~
35 ~~the child is liable for the support of the child.~~

36 ~~(4) The video shall explain that tendering false~~
37 ~~documents is a fraudulent practice in the fourth~~
38 ~~degree pursuant to section 135L.7.~~

39 b. ~~Written~~ written decision-making materials which
40 include all of the following:

41 (1) a. Information regarding the option scribed
42 in the video including information regarding the
43 agencies and programs available to provide assistance
44 to the pregnant minor in parenting a child;
45 information relating to adoption including but not
46 limited to information regarding child-placing
47 agencies; and information regarding abortion including
48 but not limited to the legal requirements relative to
49 the performance of an abortion on a pregnant minor.
50 The information provided shall include information

Page 2

1 explaining that if a pregnant minor decides to
2 continue the pregnancy to term and to retain parental
3 rights, the father of the child is liable for the
4 support of the child and that if the pregnant minor
5 seeks public assistance on behalf of the child, the
6 pregnant minor shall, and if the pregnant minor is not
7 otherwise eligible as a public assistance recipient,
8 the pregnant minor may, seek the assistance of the
9 child support recovery unit in establishing the
10 paternity of the child, and in seeking support
11 payments for a reasonable amount of the costs

12 associated with the pregnancy, medical support, and
13 maintenance from the father of the child, or if the
14 father is a minor, from the parents of the minor
15 father. The information shall include a listing of
16 the agencies and programs and the services available
17 from each.

18 (2) ~~b.~~ A workbook which is to be used in viewing
19 ~~the video and~~ which includes a questionnaire and
20 exercises to assist a pregnant minor in viewing the
21 ~~video and in~~ considering the options available
22 regarding the minor's pregnancy.

23 (3) ~~c.~~ A detachable certification form to be
24 signed by the pregnant minor certifying that the
25 pregnant minor was offered a viewing of the video and
26 the written decision-making materials.

27 ~~2. a.~~ The video shall be available through the
28 state and local offices of the Iowa department of
29 public health, the department of human services, and
30 the judicial department and through the office of each
31 licensed physician who performs abortions.

32 ~~b.~~ The video may be available through the office
33 of any licensed physician who does not perform
34 abortions, upon the request of the physician; through
35 any nonprofit agency serving minors, upon the request
36 of the agency; and through any other person providing
37 services to minors, upon the request of the person.

38 ~~3. 2.~~ During the initial appointment between a
39 licensed physician and a pregnant minor, a licensed
40 physician, who is providing medical services to a
41 pregnant minor, shall offer the viewing of the video
42 and the written decision-making materials to the
43 pregnant minor, and shall obtain the signed and dated
44 certification form from the pregnant minor. If the
45 pregnant minor has previously been offered the viewing
46 of the video and the written decision-making materials
47 by another source, the licensed physician shall obtain
48 the completed certification form from the other source
49 to verify that the pregnant minor has been offered the
50 viewing of the video and the written decision-making

Page 3

1 materials. A licensed physician shall not perform an
2 abortion on a pregnant minor prior to obtaining the
3 completed certification form from a pregnant minor.
4 ~~If the pregnant minor decides to terminate parental~~
5 ~~rights following the child's birth, a copy of the~~
6 ~~completed certification form shall be attached to the~~
7 ~~petition for termination of parental rights.~~

8 ~~4. 3.~~ A pregnant minor shall be encouraged to
9 select a responsible adult, preferably a parent of the
10 pregnant minor, to accompany the pregnant minor in
11 viewing the video and receiving the decision-making

12 materials.

13 5. 4. To the extent possible and at the discretion
14 of the pregnant minor, the person responsible for
15 impregnating the pregnant minor shall also be involved
16 in the ~~viewing of the video and in the receipt of~~
17 written decision-making materials.

18 6. 5. Following the offering of the ~~viewin~~ the
19 ~~video and of the written decision-making materials,~~
20 the pregnant minor shall sign and date the
21 certification form attached to the materials, and
22 shall submit the completed form to the licensed
23 physician or provide the person making the offer with
24 information to send the completed form to the pregnant
25 minor's attending physician. The person offering the
26 ~~viewing of the video and the decision-making materials~~
27 shall also provide a copy of the completed
28 certification form to the pregnant minor."

29 2. Page 1, line 28, by striking the word
30 "paragraph" and inserting the following: "paragraphs
31 b and".

32 3. Page 1, line 30, by striking the word "is" and
33 inserting the following: "are".

34 4. Page 1, by inserting after line 30 the
35 following:

36 "b. The pregnant minor may participate in the
37 court proceedings on the pregnant minor's own behalf.
38 The court may appoint a guardian ad litem for the
39 pregnant minor and the court shall appoint a guardian
40 ad litem for the pregnant minor if the pregnant minor
41 is not accompanied by a responsible adult ~~or if the~~
42 ~~pregnant minor has not viewed the video as provided~~
43 ~~pursuant to section 135L.2.~~ In appointing a guardian
44 ad litem for the pregnant minor, the court shall
45 consider a person licensed to practice psychology
46 pursuant to chapter 154B, a licensed social worker
47 pursuant to chapter 154C, a licensed marital and
48 family therapist pursuant to chapter 154D, or a
49 licensed mental health counselor pursuant to chapter
50 154D to serve in the capacity of guardian ad litem.

Page 4

1 The court shall advise the pregnant minor of the
2 pregnant minor's right to court-appointed legal
3 counsel, and shall, upon the pregnant minor's request,
4 provide the pregnant minor with court-appointed legal
5 counsel, at no cost to the pregnant minor."

6 5. Page 1, by inserting after line 35 the
7 following:

8 "Sec. ____ Section 135L.5, subsections 6 through
9 10, as enacted by the 1996 Iowa Acts, Senate File 13,
10 section 5, are amended to read as follows:

11 6. The advisory committee shall do all of the

12 following:

13 a. ~~Develop criteria for the selection of a person,~~
14 ~~through a request for proposals process or other~~
15 ~~contractual agreement, to develop the video described~~
16 ~~in this chapter. Following receipt of applications,~~
17 ~~or upon agreement of a simple majority of the voting~~
18 ~~members to a contractual agreement, the advisory~~
19 ~~committee shall also select the recipient of the~~
20 ~~contract for development of the video.~~

21 b. ~~Develop criteria for information to be included~~
22 ~~in the video. The criteria shall, at a minimum,~~
23 ~~require that the person developing the video request~~
24 ~~input from a variety of interest groups and~~
25 ~~perspectives which have an interest in pregnancy-~~
26 ~~related issues and that the video present the various~~
27 ~~perspectives in an unbiased manner.~~

28 c. ~~Develop a process for and provide for the~~
29 ~~distribution of the video and develop confidentiality~~
30 ~~requirements relating to the persons involved in~~
31 ~~viewing the video.~~

32 d. ~~a. Promote use of the video and written~~
33 ~~decision-making materials through public service~~
34 ~~announcements and other media formats.~~

35 e. ~~b. Provide ongoing evaluation of the~~
36 ~~prospective minor parents decision-making assistance~~
37 ~~program including evaluation of the video and written~~
38 ~~document and of the notification and waiver system,~~
39 ~~and make recommendations for improvement.~~

40 f. ~~c. Receive input from the public regarding the~~
41 ~~program through the use of public hearings, focus~~
42 ~~groups, surveys, and other formats.~~

43 7. ~~The committee, upon the advice of the Iowa~~
44 ~~department of public health, may receive gifts,~~
45 ~~grants, or donations for the purpose of implementing~~
46 ~~and continuing the program.~~

47 8. ~~The advisory committee and the producer of the~~
48 ~~video shall attempt to complete and distribute the~~
49 ~~video for use not later than January 1, 1997.~~

50 9. ~~8. The advisory committee shall submit a report~~

Page 5

1 to the general assembly on or before January 8, 1997,
2 regarding the progress of the committee in completing
3 the committee's duties regarding the development and
4 distribution of the video.

5 10. ~~9. The Iowa department of public health shall~~
6 ~~provide administrative support to the advisory~~
7 ~~committee."~~

8 6. Page 1, by striking lines 43 and 44 and
9 inserting the following: "inapplicability of section
10 135L.2 with regard to the required offering of the
11 viewing of the video of".

12 7. Page 1, line 48, by striking the words "or of

13 section" and inserting the following: "or-of
14 section".

15 8. Page 3, by inserting after line 26 the
16 following:

17 "Sec. ____ 1996 Iowa Acts, Senate File 13, section
18 14, is amended to read as follows:

19 SEC. 14. EFFECTIVE DATE. The section of this Act
20 which creates section 135L.5 relating to the
21 establishment of the advisory committee, being deemed
22 of immediate importance, takes effect upon enactment.
23 The advisory committee shall be appointed within sixty
24 days of the enactment of this Act and may begin
25 performing committee duties prior to the beginning of
26 the official commencement of the terms of the
27 committee members as provided in section 135L.5 as
28 created in this Act.

29 If the advisory committee created pursuant to
30 section 135L.5 has completed its duties regarding the
31 development and distribution of the video pursuant to
32 section 135L.2 prior to January 1, 1997, the remainder
33 of this Act takes effect January 1, 1997. However,
34 even if the advisory committee has not completed its
35 duties prior to January 1, 1997, and the video is not
36 developed and distributed prior to January 1, 1997,
37 the remaining sections of this Act, exclusive of the
38 section which creates section 135L.5, and exclusive of
39 the section and provisions which relate to
40 development, distribution, and offering of the video
41 and the written decision-making materials, take effect
42 January 1, 1997.

43 Sec. ____ 1996 Iowa Acts, Senate File 13, section
44 15, is amended to read as follows:

45 SEC. 15. REPEAL - ADVISORY COMMITTEE. Section
46 135L.5 is repealed effective January 1, 1999, or two
47 years following the distribution date of the video as
48 determined by the advisory committee, whichever is
49 later."

50 9. By renumbering as necessary.

Boddicker of Cedar rose on a point of order that amendment H-5948 was not germane, to the Senate amendment H-5927.

The Speaker ruled the point not well taken and amendment H-5948 germane, to the Senate amendment H-5927.

Doderer of Johnson moved the adoption of amendment H-5948, to the Senate amendment H-5927.

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H-5948 lost.

On motion by Veenstra of Sioux, the House concurred in the Senate amendment H-5927.

Veenstra of Sioux moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2050)

The ayes were, 91:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Sukup	Taylor	Teig
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bell	Brammer	Dinkla	Ertl
Grundberg	Millage	Salton	Siegrist
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Blodgett of Cerro Gordo called up for consideration **House File 2201**, a bill for an act relating to defining the practice of dentistry, amended by the Senate, and moved that the House concur in the following Senate amendment H-5940:

H-5940

- 1 Amend House File 2201 as passed by the House, as
- 2 follows:

- 3 1. Page 1, by striking lines 4 through 8 and
 4 inserting the following:
 5 "2. Persons who perform examination,"
 6 2. Page 1, line 13, by striking the words "or
 7 adjacent".

The motion prevailed and the House concurred in the Senate amendment H-5940.

Blodgett of Cerro Gordo moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2201)

The ayes were, 88:

Arnold	Baker	Bernau	Blodgett
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Eddie	Fallon	Garman	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larson	Lord
Main	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Sukup	Taylor
Teig	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 12:

Bell	Boddicker	Brammer	Dinkla
Ertl	Gipp	Larkin	Martin
Millage	Salton	Siegrist	Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2050, 2201 and Senate File 2168.**

Ways and Means Calendar

Senate File 2351, a bill for an act relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, establishing a rural microbusiness assistance program, increasing the funds available for the value-added agricultural products and processes program, making an annual allocation from an appropriation, and establishing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Nelson of Marshall offered amendment H-5602 filed by the committee on economic development as follows:

H-5602

- 1 Amend Senate File 2351, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "year." the following: "Notwithstanding section 8.33,
- 5 moneys in the account at the end of each fiscal year
- 6 shall not revert to any other fund but shall remain in
- 7 the account for appropriation in a subsequent fiscal
- 8 year."
- 9 2. Page 1, by striking lines 8 and 9.
- 10 3. Page 1, line 11, by striking the words and
- 11 figure "unnumbered paragraph 1,".
- 12 4. Page 1, line 16, by striking the words and
- 13 figure "unnumbered paragraph 1,".
- 14 5. Page 1, line 17, by striking the word
- 15 "unnumbered".
- 16 6. Page 1, line 19, by inserting before the word
- 17 "Moneys" the following: "c."
- 18 7. Page 1, line '28, by inserting after the word
- 19 "network" the following: "and business consortia".
- 20 8. Page 1, by striking lines 31 through 34 and
- 21 inserting the following: "training project under
- 22 chapter 260F."
- 23 9. Page 2, by inserting after line 1 the
- 24 following:
- 25 " _ . The loan loss reserve program."
- 26 10. Page 2, line 4, by striking the words "excess
- 27 funds for" and inserting the following: "assets for
- 28 other innovative skill development activities or".

29 11. Page 2, line 5, by inserting after the word
30 "the" the following: "department of education or
31 the".

32 12. Page 2, by inserting after line 6 the
33 following:

34 "Sec. ____ Section 15.343, subsection 3, Code
35 Supplement 1995, is amended to read as follows:
36 3. The director shall submit ~~annually not later~~
37 than January 1 of each year at a regular or special
38 ~~meeting preceding the beginning of the fiscal year,~~
39 for approval by the economic development board, the
40 proposed allocation of funds from the workforce
41 development fund to be made for ~~that~~ the next fiscal
42 year for the programs and purposes contained in
43 subsection 2. The director shall also submit a copy
44 of the proposed allocation to the chairpersons of the
45 joint economic development appropriations subcommittee
46 of the general assembly. ~~Subject to approval under~~
47 Notwithstanding section 8.39 ~~for transfer of~~
48 ~~allocations between programs contained in subsection~~
49 ~~2,~~ the plan may provide for increased or decreased
50 allocations if the demand for a program indicates that

Page 2

1 the need is greater or lesser than the allocation for
2 that program. The director shall report on a
3 quarterly basis to the board on the status of the
4 funds and may present proposed revisions for approval
5 by the board in January and April of each year. The
6 director shall also provide quarterly reports to the
7 legislative fiscal bureau on the status of the funds.
8 Unobligated and unencumbered moneys remaining in the
9 workforce development fund or any of its accounts on
10 June 30 of each year shall be considered part of the
11 fund for purposes of the next year's allocation.

12 Sec. ____ Section 15.343, Code Supplement 1995, is
13 amended by adding the following new subsection:
14 **NEW SUBSECTION. 4.** Notwithstanding subsection 1,
15 paragraph "c", if a specific appropriation is not
16 enacted to the fund from the workforce development
17 account created in section 15.342A, moneys credited to
18 the fund under section 422.16A shall be transferred to
19 the workforce development fund in accordance with
20 section 8.31 as if the moneys had been appropriated to
21 the workforce development fund."

22 13. Page 2, by striking lines 9 through 12 and
23 inserting the following:

24 "The department shall use information from the
25 customer tracking system administered by the
26 department of workforce development under section
27 84A.2, if enacted by Senate File 2409 or House File
28 2463, to determine the economic impact of the

29 programs. To the extent possible, the department
30 shall".

31 14. Page 2, by striking lines 22 through 24 and
32 inserting the following: "from withholding from jobs
33 created under the agreement. A provision in an
34 agreement for which a supplemental credit from
35 withholding is included shall provide for the
36 following:"

37 15. By striking page 2, line 35, through page 3,
38 line 2, and inserting the following:

39 "3. That the supplemental new jobs credit from
40 withholding shall only be collected on those projects
41 where incremental property taxes have been reduced or
42 lost due to the elimination of the property tax on
43 industrial machinery, equipment, and computers under
44 section 427B.17."

45 16. Page 4, line 18, by inserting after the word
46 "dispute" the following: "in Iowa".

47 17. Page 4, line 29, by inserting after the word
48 "dispute" the following: "in Iowa".

49 18. Page 12, by striking lines 5 and 6.

50 19. Page 12, line 9, by striking the figure "2,".

Page 3

1 20. Title page, by striking lines 4 through 7 and
2 inserting the following: "new jobs credit from
3 withholding, making a contingent annual appropriation,
4 making an annual allocation from an".

5 21. By renumbering as necessary.

Nelson of Marshall offered the following amendment H-5943, to the committee amendment H-5602, filed by her and moved its adoption:

H-5943

1 Amend the amendment, H-5602, to Senate File 2351,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 9.

5 2. Page 1, by inserting after line 11 the

6 following:

7 "_. Page 1, line 13, by inserting before the
8 word "Repayment" the following: "c.""

9 3. Page 1, by striking lines 18 and 19 and

10 inserting the following:

11 "_. Page 1, by striking line 28.""

12 4. Page 1, by striking lines 23 through 31 and

13 inserting the following:

14 "_. Page 2, line 1, by inserting after the word
15 "including" the following: "new or statewide".

16 __. Page 2, by striking lines 2 through 6 and

17 inserting the following:

- 18 "e. Innovative skill development activities."
19 5. Page 2, by striking lines 12 through 21.
20 6. Page 2, by striking lines 39 through 44 and
21 inserting the following:
22 "3. That the employer shall agree to pay wages
23 for the jobs for which the credit is taken of at least
24 the average county wage or average regional wage,
25 whichever is lower, as compiled annually by the
26 department for the community economic betterment
27 program. For the purposes of this section, the
28 average regional wage shall be compiled based upon the
29 service delivery areas in section 84B.2, if enacted by
30 1996 Iowa Acts, Senate File 2409. Eligibility for the
31 supplemental credit shall be based on a one-time
32 determination of starting wages by the community
33 college."
34 7. Page 2, by inserting after line 48 the
35 following:
36 " Page 10, by striking lines 3 through 23."
37 8. Page 2, by striking lines 49 and 50 and
38 inserting the following:
39 " Page 12, by striking lines 9 and 10."
40 9. Page 3, line 3, by striking the words "making
41 a contingent annual appropriation,".
42 10. By renumbering, relettering, and
43 redesignating as necessary.

Amendment H-5943 was adopted.

On motion by Nelson of Marshall, the committee amendment H-5602, as amended, was adopted.

Shoultz of Black Hawk offered the following amendment H-5727 filed by him and Witt and moved its adoption:

H-5727

- 1 Amend Senate File 2351, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 1 the
4 following:
5 " Notwithstanding paragraphs "a" through "d",
6 at least one million dollars of the assets of the fund
7 shall be used each year for a summer youth program to
8 serve youth in areas with high juvenile crime rates
9 and high minority populations in cities with
10 populations exceeding fifty thousand according to the
11 1990 census."
12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H-5727 lost.

Shoultz of Black Hawk offered amendment H-5918 filed by him as follows:

H-5918

- 1 Amend Senate File 2351, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 10 through 20.
- 4 2. By renumbering as necessary.

Shoultz of Black Hawk asked for consent to defer action on Senate File 2351.

Objection was raised.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-5918.

The House stood at ease at 2:30 p.m., until the fall of the gavel.

The House resumed session at 3:16 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Shoultz of Black Hawk offered the following amendment H-5957 filed by him from the floor and moved its adoption:

H-5957

- 1 Amend Senate File 2351, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 18, by inserting after the word
- 4 "needs." the following: "Community colleges shall
- 5 develop a one-stop administrative structure to
- 6 coordinate the delivery of services under this
- 7 section."

Amendment H-5957 lost.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2351)

The ayes were, 93:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake

Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Bell	Brammer	Dinkla	Harrison
Millage	Salton	Siegrist	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

CONFERENCE COMMITTEE APPOINTED (Senate File 2154)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2154: Veenstra of Sioux, Chair; Coon of Warren, Boddicker of Cedar, Moreland of Wapello and Osterhaus of Jackson.

SENATE AMENDMENT CONSIDERED

Arnold of Lucas called up for consideration **House File 2383**, a bill for an act relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants, amended by the Senate amendment H-5877 as follows:

H-5877

- 1 Amend House File 2383, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 20 the
- 4 following:

5 3. The director shall provide nonresident deer
6 hunting licenses for allocation as requested by a
7 majority of a committee consisting of the majority
8 leader of the senate, speaker of the house of
9 representatives, and director of the department of
10 economic development, or their designees. If a deer
11 hunt for nonresidents is organized by the governor,
12 the governor shall allocate the nonresident licenses
13 for the nonresident guests and dignitaries. The
14 licenses provided pursuant to the subsection shall be
15 in addition to the number of nonresident licenses
16 authorized pursuant to section 483A.8. The purpose of
17 the special nonresident licenses is to allow state
18 officials and local development groups to promote the
19 state and its natural resources to nonresident guests
20 and dignitaries. Photographs, video tapes, or any
21 other form of media resulting from the hunting
22 visitation shall not be used for political campaign
23 purposes. The nonresident licenses shall be issued
24 without application upon payment of the nonresident
25 deer hunting license fee and the wildlife habitat
26 stamp fee. The licenses are valid in all zones open
27 to deer hunting. The hunter safety and ethics
28 education certificate requirement pursuant to section
29 483A.27 is waived for a nonresident issued a license
30 pursuant to this subsection.

31 4. The director shall provide nonresident wild
32 turkey hunting licenses for allocation as requested by
33 a majority of a committee consisting of the majority
34 leader of the senate, speaker of the house of
35 representatives, and director of the department of
36 economic development, or their designees. If a wild
37 turkey hunt for nonresidents is organized by the
38 governor, the governor shall allocate the nonresident
39 licenses for the nonresident guests and dignitaries.
40 The licenses provided pursuant to the subsection shall
41 be in addition to the number of nonresident licenses
42 authorized pursuant to section 483A.7. The purpose of
43 the special nonresident licenses is to allow state
44 officials and local development groups to promote the
45 state and its natural resources to nonresident guests
46 and dignitaries. Photographs, video tapes, or any
47 other form of media resulting from the hunting
48 visitation shall not be used for political campaign
49 purposes. The nonresident licenses shall be issued
50 without application upon payment of the nonresident

Page 2

1 wild turkey hunting license fee and the wildlife
2 habitat stamp fee. The licenses are valid in all
3 zones open to wild turkey hunting. The hunter safety
4 and ethics education certificate requirement pursuant

- 5 to section 483A.27 is waived for a nonresident issued
6 a license pursuant to this subsection."

Arnold of Lucas offered the following amendment H-5912, to the Senate amendment H-5877 filed by him and moved its adoption:

H-5912

- 1 Amend the amendment, H-5877, to House File 2383, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 5, by inserting after the word
5 "provide" the following: "up to twenty-five".
6 2. Page 1, by striking lines 10 through 13 and
7 inserting the following: "economic development, or
8 their designees. The".
9 3. Page 1, line 31, by inserting after the word
10 "provide" the following: "up to twenty-five".
11 4. Page 1, by striking lines 36 through 39 and
12 inserting the following: "economic development, or
13 their designees."

Amendment H-5912 was adopted.

On motion by Arnold of Lucas, the House concurred in the Senate amendment H-5877, as amended.

Arnold of Lucas moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2383)

The ayes were, 82:

Arnold	Bernau	Blodgett	Boddicker
Boggett	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Cphoon	Coon	Corbett, Spkr.
Cormack	Daggett	Disney	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Moreland	Mundie	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien

Ollie	Osterhaus	Rants	Schulte
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Van Maanen, Presiding		

The nays were, 11:

Baker	Churchill	Connors	Doderer
Fallon	Holveck	Murphy	Renken
Schrader	Shoultz	Witt	

Absent or not voting, 7:

Bell	Brammer	Dinkla	Heaton
Millage	Salton	Siegrist	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE INSISTS

Houser of Pottawattamie called up for consideration **Senate File 2442**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 2442)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **Senate File 2442**: Houser of Pottawattamie, Chair; Carroll of Poweshiek, Arnold of Lucas, Jochum of Dubuque and Fallon of Polk.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2383** and **Senate File 2351**.

Unfinished Business Calendar

The House resumed consideration of **House File 2457**, a bill for an act relating to termination of rental agreements and notice provisions for actions to recover property, previously deferred and placed on the unfinished business calendar.

Carroll of Poweshiek offered the following amendment H-5259 filed by him and moved its adoption:

H-5259

1 Amend House File 2457 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 562A.8, subsections 1 and 3,
5 Code 1995, are amended by striking the subsections.

6 Sec. 2. Section 562A.8, subsection 2, Code 1995,
7 is amended to read as follows:

8 2- A person "notifies" or "gives" a notice or
9 notification to another by taking steps reasonably
10 calculated to inform the other in ordinary course
11 whether or not the other actually comes to know of it.
12 A person "receives" a notice or notification when it
13 comes to that person's attention or in the case of the
14 landlord, it is delivered at in hand or mailed by
15 certified mail, or restricted certified mail to the
16 place of business of the landlord through which the
17 rental agreement was made or at a place held out by
18 the landlord as the place for receipt of the
19 communication or delivered to any individual who is
20 designated as an agent of the landlord or, when in the
21 case of the tenant, it is delivered in hand to the
22 tenant or mailed by ~~registered or~~ certified mail or
23 restricted certified mail to such person at the place
24 held out by such person as the place for receipt of
25 the communication, or in the absence of such
26 designation, to such person's last known place of
27 residence."

28 2. Page 1, by inserting after line 17 the
29 following:

30 "Sec. ____ Section 562B.9, subsections 1 and 3,
31 Code 1995, are amended by striking the subsections.

32 Sec. ____ Section 562B.9, subsection 2, Code 1995,
33 is amended to read as follows:

34 2- A person "notifies" or "gives" a notice or
35 notification to another by taking steps reasonably
36 calculated to inform the other in ordinary course
37 whether or not the other actually comes to know of it.
38 A person "receives" a notice or notification when it
39 comes to that person's attention, or in the case of
40 the landlord, it is delivered in hand or mailed by
41 registered certified mail or restricted certified mail
42 to the place of business of the landlord through which
43 the rental agreement was made or at any place held out
44 by the landlord as the place for receipt of the
45 communication or delivered to any individual who is
46 designated as an agent by section 562B.14 or, in the
47 case of the tenant, it is delivered in hand to the
48 tenant or mailed by ~~registered-mail-return-receipt~~

49 requested certified mail or restricted certified mail
50 to the tenant at the place held out by the tenant as

Page 2

- 1 the place for receipt of the communication or, in the
- 2 absence of such designation, to the tenant's last
- 3 known place of residence other than the landlord's
- 4 mobile home or space."
- 5 3. Title page, line 1, by inserting after the
- 6 word "agreements" the following: ", the definition of
- 7 notice,".
- 8 4. By renumbering as necessary.

Amendment H-5259 was adopted.

SENATE FILE 2372 SUBSTITUTED FOR HOUSE FILE 2457

Carroll of Poweshiek asked and received unanimous consent to substitute Senate File 2372 for House File 2457.

Senate File 2372, a bill for an act relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property, was taken up for consideration.

Holveck of Polk asked and received unanimous consent that amendment H-5954 be deferred.

McCoy of Polk asked and received unanimous consent that amendment H-5950 be deferred.

Kreiman of Davis asked and received unanimous consent that amendment H-5946 be deferred.

Holveck of Polk asked and received unanimous consent that amendment H-5953 be deferred.

Fallon of Polk asked and received unanimous consent that amendment H-5952 be deferred.

Kreiman of Davis offered the following amendment H-5945 filed by him and moved its adoption:

H-5945

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 22 through 29.
- 4 2. By renumbering as necessary.

Amendment H-5945 was adopted.

The following amendments were withdrawn by unanimous consent:

H-5932, previously deferred, filed by Fallon of Polk on April 11, 1996.

H-5933, filed by Kreiman of Davis on April 11, 1996.

H-5946, previously deferred, filed by Kreiman of Davis on April 12, 1996.

H-5947, filed by Kreiman of Davis on April 12, 1996..

H-5951, filed by Fallon of Polk from the floor.

H-5952, filed by Fallon of Polk from the floor.

McCoy of Polk offered the following amendment H-5955 filed by him from the floor and moved its adoption:

H-5955

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 25 the
4 following:

5 "Sec. ____ Section 562B.10, subsection 4, Code
6 1995, is amended to read as follows:

7 4. Rental agreements shall be for a term of one
8 year unless otherwise specified in the rental
9 agreement. Rental agreements shall be canceled by at
10 least sixty days' written notice given by either
11 party. A landlord shall cancel a rental agreement
12 only for good cause and shall not cancel a rental
13 agreement solely for the purpose of making the
14 tenant's mobile home space available for another
15 mobile home."

16 2. By renumbering as necessary.

Roll call was requested by McCoy of Polk and Fallon of Polk.

On the question "Shall amendment H-5955 be adopted?" (S.F. 2372)

The ayes were, 31:

Baker	Bernau	Brand	Branstad
Burnett	Cohoon	Connors	Coon
Doderer	Fallon	Harper	Holveck
Jochum	Kreiman	Larkin	Mascher
May	McCoy	Moreland	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Witt	

The nays were, 58:

Arnold	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Carroll	Cataldo

Churchill	Corbett, Spkr.	Cormack	Daggett
Disney	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Koenigs	Kremer	Lamberti
Larson	Lord	Main	Martin
Mertz	Metcalf	Meyer	Mundie
Nelson, B.	Nutt	Rants	Renken
Schulte	Sukup	Teig	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 11:

Bell	Blodgett	Brammer	Dinkla
Grubbs	Grundberg	Millage	Salton
Siegrist	Thomson	Wise	

Amendment H-5955 lost.

The following amendments were withdrawn by unanimous consent:

H-5934, filed by Holveck of Polk on April 11, 1996.

H-5935, filed by Holveck of Polk on April 11, 1996.

H-5936, filed by McCoy of Polk on April 11, 1996.

H-5950, previously deferred, filed by McCoy of Polk from the floor.

H-5953, previously deferred, filed by Holveck of Polk from the floor.

H-5954, previously deferred, filed by Holveck of Polk from the floor.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2372)

The ayes were, 66:

Arnold	Baker	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Cohoon	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti

Larson	Lord	Main	Martin
Mertz	Metcalf	Meyer	Moreland
Mundie	Nelson, B.	Nutt	Rants
Renken	Schulte	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Van Maanen, Presiding		

The nays were, 27:

Bernau	Brand	Burnett	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Weigel	Witt	

Absent or not voting, 7:

Bell	Brammer	Dinkla	Grubbs
Millage	Salton	Siegrist	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2372** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday afternoon, April 11, 1996, and Friday, April 12, 1996. Had I been present, I would have voted "aye" on House Files 2453, 2497, 2498 and Senate Files 2097, 2298, 2448, 2453 and 2464; and I would have voted "nay" on amendment H-5896 to Senate File 2464.

BRAUNS of Muscatine

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this fifteenth day of April, 1996: House Files: 569, 2166, 2229, 2259, 2390, 2419, 2422 and 2433.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 111, an act exempting from regulation certain homeowners' association swimming pools.

House File 210, an act authorizing a court to require a criminal offender as part of a restitution order to make financial contributions to a local anticrime organization.

House File 514, an act relating to Iowa motor vehicle registration plates, by providing for special United States armed forces retired plates, special Iowa heritage plates and an Iowa heritage fund, education plates and transfer and appropriation of revenue from the sale of the plates to the school budget review committee, and special silver and bronze star plates, providing for special registration plates with distinguishing processed emblems, providing for required plate specifications, making penalties applicable, and providing an effective date.

House File 2190, an act relating to the publication of certain notices, ordinances, and amendments by the superintendent of printing.

House File 2350, an act relating to motor vehicle dimensional and weight requirements and certificates of title for commercial vehicles and providing an effective date.

House File 2407, an act relating to legal publications and related products prepared and distributed under the authority of the general assembly.

House File 2444, an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Senate File 2101, an act relating to the disbursement of the remaining funds in a nonguaranteed irrevocable burial trust fund following satisfaction of payment in accordance with an agreement for funeral merchandise and funeral services.

Senate File 2159, an act relating to evaluator licensing of educators.

Senate File 2186, an act relating to transportation-related sanctions by increasing penalties for certain offenses, providing for the issuance of temporary restricted licenses for certain offenses, providing scheduled fines for various violations, prohibiting certain activities of motor vehicle dealers.

Senate File 2287, an act relating to the limitations on the use of toxic materials in packaging and providing additional exemptions.

Senate File 2348, an act relating to agricultural limestone, and providing penalties, fees, and an effective date.

Senate File 2353, an act relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state.

Senate File 2410, an act relating to juvenile justice chapter provisions involving medically relevant tests for the presence of illegal drugs in a child or parent, parent visitations with a child who has been removed from the child's home, voiding related administrative rules, and providing an effective date.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seventeen high school students from Sheldon Community School, Sheldon, accompanied by Mr. Joe McKee and Mr. Royd Chambers. By Vande Hoef of Osceola.

Fifty-six fifth and sixth grade students from Baxter Elementary, Baxter, accompanied by Mr. Engel and Mr. Geilenfeldt. By Bell of Jasper.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\474 Pocahontas Area Community High School, Pocahontas – For winning the Iowa Mock Trial Competition.
- 1996\475 Josh Marburger, Camanche – For his winning essay in the "My American Hero" contest sponsored by VFW Post and Auxiliary #9664.
- 1996\476 Grace Naughton, Clinton – For celebrating her Eightieth birthday.
- 1996\477 Mildred Larkin, Clinton – For celebrating her Eightieth birthday.
- 1996\478 Marvin Sorenson, Council Bluffs – For celebrating his Eighty-sixth birthday.
- 1996\479 Eleanor and Lyle Lester, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\480 Vicki Leaders, Iowa Western Community College, Council Bluffs – For receiving the 1995 Education Secretary's Award for Outstanding Vocational-Technical Education.
- 1996\481 Katie Busch, Marcus – For being selected as a 1996 National Merit Scholarship Finalist.
- 1996\482 Bertha Gartman, Maquoketa – For celebrating her Eightieth birthday.
- 1996\483 Kim Huckstadt, Maquoketa – For being named Girl's Basketball Coach of the Year at the Big Bend Conference.

- 1996\484 Marie Hansen, Coulter – For celebrating her Ninetieth birthday.
- 1996\485 Rich Bahr, Cresco – For being named the 1995 Nine-Hole Superintendent of the Year by the Iowa Golf Association.
- 1996\486 Kim Lynch, New Hampton – For being named the 1995 Iowa Beef Queen.
- 1996\487 Reggie Ollendieck, Crestwood High School – For being named to the 1996 1st All-State Boys Basketball Team.
- 1996\488 Barry Van Duyn, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\489 Teresa Gansen, Zwingle – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1996\490 Joshua Baade, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

RESOLUTION FILED

HCR 127, by Bradley and Branstad, a concurrent resolution to request the establishment of a legislative interim committee to study issues relating to efforts to reduce and recycle solid waste.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5956	S.F.	2365	Tyrrell of Iowa
H-5958	S.F.	2195	Brunkhorst of Bremer
H-5959	H.F.	2496	Vande Hoef of Osceola

On motion by Rants of Woodbury, the House adjourned at 5:02 p.m., until 8:45 a.m., Tuesday, April 16, 1996.

JOURNAL OF THE HOUSE

One hundredth Calendar Day – Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 16, 1996

The House met pursuant to adjournment at 8:55 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Brian Hagglund, Zion Lutheran Church, Clinton.

The Journal of Monday, April 15, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie, until his arrival, on request of Gipp of Winneshiek.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2421, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date.

Also: That the Senate has on April 15, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 117, a concurrent resolution designating the week of April 14 through April 21, 1996, as Days of Remembrance of the Victims of the Holocaust.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2493, a bill for an act relating to the state sales tax exemption on certain computers or machinery and equipment, was taken up for consideration.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2493)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Disney	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Brammer	Dinkla	Drees	Fallon
Grubbs	Millage	Salton	Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2153**, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy, with report of committee recommending passage, previously deferred and placed on the unfinished business calendar.

Nelson of Marshall offered the following amendment H-5961 filed by her and Kremer from the floor and moved its adoption:

H-5961

- 1 Amend Senate File 2153, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 5, by striking the words "academy
 4 and who" and inserting the following: "academy,".
 5 2. Page 1, line 6, by inserting after the word
 6 "better" the following: ", and were employed on or
 7 before January 1, 1996, as chief of police of a city
 8 in this state with a population of twenty thousand or
 9 more".

Amendment H-5961 was adopted.

Metcalf of Polk asked for unanimous consent to defer action on Senate File 2153.

Objection was raised.

Metcalf of Polk moved to defer action on Senate File 2153.

A non-record roll call was requested.

The ayes were 24, nays 54.

The motion to defer lost.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2153)

The ayes were, 89:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen

Vande Hoef
Weigel
Van Maanen,
Presiding

Veenstra
Welter

Warnstadt
Wise

Weidman
Witt

The nays were, 2:

Branstad

Brunkhorst

Absent or not voting, 9:

Brammer
Houser
Siegrist

Dinkla
Martin

Fallon
Millage

Grubbs
Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2207**, a bill for an act relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses, previously deferred and placed on the unfinished business calendar.

Schulte of Linn offered the following amendment H-5520 filed by the committee on judiciary and moved its adoption:

H-5520

- 1 Amend Senate File 2207, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 5 and
- 4 inserting the following:
- 5 "NEW SUBSECTION. 2A. "Disabled" means a person
- 6 who is not physically able to operate a motor vehicle
- 7 or use public transportation without assistance due to
- 8 a physical disability."
- 9 2. Title page, line 1, by striking the words
- 10 "excuse from jury service and".
- 11 3. By renumbering as necessary.

The committee amendment H-5520 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper, for the remainder of the day, on request of Schrader of Marion.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2207)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Brauns	Dinkla	Fallon
Millage	Salton	Siegrist	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House resumed consideration of **Senate File 2301**, a bill for an act relating to lead abatement and inspection, training and certification requirements, and providing penalties, previously deferred and placed on the unfinished business calendar.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-5678 filed by him on March 27, 1996.

Rants of Woodbury offered the following amendment H-5722 filed by him and moved its adoption:

H-5722

- 1 Amend Senate File 2301, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 14, by inserting after the word
4 "site" the following: "unless a written consent or
5 waiver, following full disclosure by the person, is
6 obtained from the owner or manager of the site".
7 2. Page 1, by striking line 27 and inserting the
8 following:
9 "4. A person shall not perform lead".
10 3. Page 1, lines 30 and 31, by striking the words
11 and figures "Beginning December 1, 1997, a" and
12 inserting the following: "A".
13 4. Page 2, line 19, by striking the words and
14 figures "by October 1, 1996".
15 5. Page 2, line 22, by striking the following:
16 "no later than December 1, 1996".
17 6. Page 2, by inserting after line 25 the
18 following:
19 "Sec. ____ CONTINGENT EFFECTIVE DATE. This Act
20 takes effect only after the department obtains
21 certification from the United States environmental
22 protection agency as an accredited program to train
23 and certify lead inspectors and abaters. However, the
24 department may establish a temporary program for the
25 voluntary certification of lead inspectors and lead
26 abaters during the period prior to obtaining
27 certification as an accredited program from the United
28 States environmental protection agency."
29 7. Title page, line 2, by striking the words "and
30 providing penalties" and inserting the following:
31 "providing penalties, and providing a contingent
32 effective date".

Amendment H-5722 was adopted.

Rants of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2301)

The ayes were, 71:

Arnold	Baker	Bernau	Blodgett
Boggess	Bradley	Brand	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Eddie	Fallon	Gipp
Greiner	Gries	Grubbs	Grundberg
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Jacobs	Jochum	Koenigs	Kreiman
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	McCoy
Mertz	Metcalf	Moreland	Mundie

Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Osterhaus	Rants
Schrader	Shoultz	Sukup	Taylor
Tyrrell	Van Fossen	Warnstadt	Weigel
Wise	Witt	Van Maanen, Presiding	

The nays were, 20:

Boddicker	Branstad	Brunkhorst	Ertl
Garman	Greig	Hahn	Huseman
Klemme	Kremer	Main	Meyer
Nutt	Renken	Schulte	Teig
Vande Hoef	Veenstra	Weidman	Welter

Absent or not voting, 9:

Bell	Brammer	Brauns	Dinkla
Hurley	Millage	Salton	Siegrist
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2493 and Senate Files 2207 and 2301.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomson of Linn, until her return, on request of Gipp of Winneshiek.

ADOPTION OF SENATE CONCURRENT RESOLUTION 117

Jacobs of Polk called up for immediate consideration Senate Concurrent Resolution 117, a concurrent resolution designating the week of April 14 through April 21, 1996, as Days of Remembrance of the Victims of the Holocaust, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Concurrent Resolution 117** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 9:47 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:25 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

SENATE AMENDMENT CONSIDERED

Brauns of Muscatine called up for consideration House File 2421, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5960:

H-5960

1 Amend House File 2421, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 20 the
4 following:

5 "8. For automating the oversize vehicle permitting
6 system authorized under chapter 321E in order to
7 improve communication between carriers and the
8 department regarding changing road conditions,
9 including construction zones:

10 \$ 125,000"

11 2. Page 3, by inserting after line 14 the
12 following:

13 "g. For construction, reconstruction, and
14 maintenance of the state highway system as
15 appropriated for in chapter 313:

16 \$ 300,000,000

17 It is the intent of the general assembly, that if
18 additional moneys become available to the primary road
19 fund, the state transportation commission may expend
20 the funds pursuant to section 313.4. Of the
21 appropriation in this paragraph, the following amount
22 shall be used by the department for construction of an
23 overpass on highway 218 located between Ainsworth and
24 Riverside for the purpose of facilitating access to
25 schools located in the Highland community school
26 district:

27 \$ 1,617,000"

28 3. Page 4, by striking lines 15 and 16 and
29 inserting the following:

30 "b. For field garage facilities in Anamosa and
 31 Southeast Des Moines:
 32 \$ 1,500,000"
 33 4. Page 4, by striking line 30 and inserting the
 34 following: "the highway construction program and
 35 highway".
 36 5. Page 5, line 2, by inserting after the figure
 37 "1996." the following: "The department shall include
 38 input from department employees who are members of a
 39 statewide employee organization on the effects of
 40 implementation of these recommendations on job-related
 41 activities and employee displacement."
 42 6. Page 5, by inserting after line 2 the
 43 following:
 44 "3. The department shall study the feasibility of
 45 joining the I-35 corridor coalition and the multistate
 46 highway transportation agreement and the effects on
 47 the state interstate system from designation of I-35
 48 as a portion of the international NAFTA super highway.
 49 Sec. ____ DIRECTIVES TO STATE DEPARTMENT OF
 50 TRANSPORTATION. The state department of

Page 2

1 transportation shall establish a maintenance standard,
 2 equivalent to the department's "c" classification for
 3 maintenance, on state highways located between
 4 population centers of ten thousand or more persons.
 5 Sec. ____ DIRECTIVES. The state department of
 6 transportation shall consider the location of the Iowa
 7 communication network's underground facilities and
 8 other telecommunication underground facilities when
 9 engineering road construction and repair projects and,
 10 where possible, shall engineer projects to minimize
 11 relocation of Iowa communications network underground
 12 facilities and other telecommunication underground
 13 facilities."
 14 7. Page 5, by striking lines 13 through 15 and
 15 inserting the following:
 16 "a. 1996-1997 FY \$ 52,000,000
 17 b. 1997-1998 FY \$ 12,890,000
 18 c. 1998-1999 FY \$ 11,350,000"
 19 8. Page 6, by inserting after line 26 the
 20 following:
 21 "g. For planning the renovation of Lang hall at
 22 the university of northern Iowa:
 23 \$ 1,000,000
 24 h. For the renovation of Lang hall at the
 25 university of northern Iowa:
 26 \$ 9,100,000"
 27 9. Page 7, by inserting after line 14 the
 28 following:
 29 "5. The state board of regents may use any
 30 available resources for planning the renovation of
 31 Lang hall at the university of northern Iowa."
 32 10. Page 7, by inserting after line 23 the

33 following:

34 "DEPARTMENT OF CULTURAL AFFAIRS

35 Sec. ____ There is appropriated from the rebuild
 36 Iowa infrastructure fund of the state to the
 37 department of cultural affairs for the fiscal year
 38 beginning July 1, 1996, and ending June 30, 1997, the
 39 following amount, or so much thereof as is necessary,
 40 to be allocated to an Iowa project that has received a
 41 national endowment for the humanities award for a
 42 museum and discovery center; provided the average wage
 43 of all full-time employees of the museum and discovery
 44 center is at least one hundred percent of the average
 45 full-time county wage:
 46 \$ 500,000

47 Allocation of moneys pursuant to this section shall
 48 be contingent upon a two-to-one matching contribution
 49 of private moneys.

50 It is the intent of the general assembly that an

Page 3

1 additional \$500,000 shall be appropriated from the
 2 rebuild Iowa infrastructure fund for the fiscal year
 3 beginning July 1, 1997, for completion of the project
 4 in this section.

5 Notwithstanding section 8.33, unencumbered or
 6 unobligated moneys remaining on June 30, 1997, from
 7 the funds appropriated in this section shall revert to
 8 the rebuild Iowa infrastructure fund on August 31,
 9 1997.

10 DEPARTMENT OF EDUCATION

11 Sec. ____ There is appropriated from the rebuild
 12 Iowa infrastructure fund of the state to the
 13 department of education for the fiscal year beginning
 14 July 1, 1996, and ending June 30, 1997, the following
 15 amounts, or so much thereof as is necessary, to be
 16 used for the purposes designated:
 17 1. For community colleges to be allocated to each
 18 community college by the department of education based
 19 upon the proportional total of square footage space of
 20 buildings located on each community college campus:
 21 \$ 4,000,000

22 Of the appropriation in this subsection and prior
 23 to allocation of any other moneys provided in this
 24 subsection, \$500,000 shall be allocated to
 25 southwestern community college for construction of a
 26 rural heritage center. Funding for the rural heritage
 27 center shall be contingent upon receipt of matching
 28 contributions from any other source. The matching
 29 contributions may be in the form of donations of real
 30 property to house the center and shall be valued at
 31 the property's fair market value. It is the intent of
 32 the general assembly that an additional \$500,000 shall
 33 be appropriated for the fiscal year beginning July 1,
 34 1997, for the rural heritage center.

35 Notwithstanding section 8.33, unencumbered or

36 unobligated moneys remaining on June 30, 1998, from
37 the funds appropriated in this subsection shall revert
38 to the rebuild Iowa infrastructure fund on August 31,
39 1998.

40 2. For improvement and maintenance of
41 institutional roads on community college campuses:

42 \$ 600,000

43 Notwithstanding section 8.33, unencumbered or
44 unobligated moneys remaining on June 30, 1997, from
45 the funds appropriated in this subsection shall revert
46 to the rebuild Iowa infrastructure fund on August 31,
47 1997."

48 11. By striking page 7, line 25, through page 8,
49 line 23, and inserting the following:

50 "Sec. 50. There is appropriated from the rebuild

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1 Iowa infrastructure fund of the state to the
2 department of general services for the fiscal year
3 beginning July 1, 1995, and ending June 30, 1996, the
4 following amount, or so much thereof as is necessary,
5 to be used for the following purpose:

6 To provide for the renovation and repair of the
7 soldiers and sailors monument of the civil war and the
8 Allison monument located on the state capitol complex:

9 \$ 200,000

10 Of the appropriation in this section, \$50,000 shall
11 be used for renovation and repair of the Allison
12 monument located on the state capitol complex. An
13 effort shall be made by the department of education to
14 match this appropriation from the citizens and the
15 school children of Iowa as occurred when the monument
16 was initially built.

17 Notwithstanding section 8.33, unencumbered or
18 unobligated moneys remaining on June 30, 1998, from
19 the funds appropriated in this section shall revert to
20 the rebuild Iowa infrastructure fund on August 31,
21 1998.

22 Sec. 51. There is appropriated from the rebuild
23 Iowa infrastructure fund of the state to the
24 department of general services for the fiscal year
25 beginning July 1, 1995, and ending June 30, 1996, the
26 following amount, or so much thereof as is necessary,
27 to be used for the following purpose:

28 To provide for the planning, siting, and
29 construction of a world war II veterans memorial:

30 \$ 200,000

31 1. The moneys appropriated in this section may be
32 used to match nonstate funds for the planning, siting,
33 and construction of the memorial. The state match
34 shall be \$2 of state money for each \$3 of nonstate
35 money.

36 2. Notwithstanding section 8.33, unencumbered or
37 unobligated moneys remaining on June 30, 1998, from
38 the funds appropriated in this section shall revert to

39 the rebuild Iowa infrastructure fund on August 31,
40 1998.

41 Sec. ____ There is appropriated from the rebuild
42 Iowa infrastructure fund of the state to the
43 department of general services for the fiscal year
44 beginning July 1, 1996, and ending June 30, 1997, the
45 following amounts, or so much thereof as is necessary,
46 to be used for the purposes designated:

47 1. For major maintenance needs including health,
48 life, and fire safety and for compliance with the
49 federal Americans with Disabilities Act for state-
50 owned buildings and facilities:

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1	\$ 6,500,000
2	2. For critical and deferred maintenance at	
3	Terrace Hill:	
4	\$ 150,000
5	As a condition of receiving this appropriation,	
6	private matching funds must be contributed on a	
7	dollar-for-dollar basis.	
8	Notwithstanding section 8.33, unencumbered or	
9	unobligated funds remaining on June 30, 2001, from the	
10	funds appropriated in this section shall revert to the	
11	rebuild Iowa infrastructure fund of the state on	
12	August 31, 2001.	
13	Sec. ____	
14	1. There is appropriated from the rebuild Iowa	
15	infrastructure fund of the state to the department of	
16	general services for the fiscal year beginning July 1,	
17	1996, and ending June 30, 1999, the following amounts,	
18	or so much thereof as is necessary, to be used for the	
19	projects in the amounts and for the fiscal years as	
20	designated in subsection 2:	
21	a. For the fiscal year beginning July 1, 1996, and	
22	ending June 30, 1997:	
23	.....	\$ 20,700,000
24	b. For the fiscal year beginning July 1, 1997, and	
25	ending June 30, 1998:	
26	.....	\$ 14,600,000
27	c. For the fiscal year beginning July 1, 1998, and	
28	ending June 30, 1999:	
29	.....	\$ 3,900,000
30	2. a. For exterior state capitol building	
31	restoration:	
32	(1) For the fiscal year beginning July 1, 1996,	
33	and ending June 30, 1997:	
34	.....	\$ 9,300,000
35	(2) For the fiscal year beginning July 1, 1997,	
36	and ending June 30, 1998:	
37	.....	\$ 7,600,000
38	b. For interior state capitol building	
39	restoration:	
40	(1) For the fiscal year beginning July 1, 1996,	
41	and ending June 30, 1997:	

42	.....	\$ 2,800,000
43	(2) For the fiscal year beginning July 1, 1998,	
44	and ending June 30, 1999:	
45	.....	\$ 2,300,000
46	c. For renovation of the old historical building:	
47	(1) For the fiscal year beginning July 1, 1996,	
48	and ending June 30, 1997:	
49	\$ 5,400,000
50	(2) For the fiscal year beginning July 1, 1997,	

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1	and ending June 30, 1998:	
2	\$ 4,100,000
3	(3) For the fiscal year beginning July 1, 1998,	
4	and ending June 30, 1999:	
5	.....	\$ 1,600,000
6	d. For renovation of the Lucas tunnel:	
7	(1) For the fiscal year beginning July 1, 1996,	
8	and ending June 30, 1997:	
9	.....	\$ 100,000
10	(2) For the fiscal year beginning July 1, 1997,	
11	and ending June 30, 1998:	
12	.....	\$ 400,000
13	e. For renovation of the Lucas state office	
14	building:	
15	(1) For the fiscal year beginning July 1, 1996,	
16	and ending June 30, 1997:	
17	.....	\$ 3,100,000
18	(2) For the fiscal year beginning July 1, 1997,	
19	and ending June 30, 1998:	
20	.....	\$ 2,500,000
21	It is the intent of the general assembly that the	
22	first and second floors of the Lucas state office	
23	building shall be used primarily by the general	
24	assembly and other legislative agencies.	
25	Notwithstanding section 8.33, unencumbered or	
26	unobligated funds remaining on June 30, 2001, from the	
27	funds appropriated in this section shall revert to the	
28	rebuild Iowa infrastructure fund of the state on	
29	August 31, 2001."	
30	12. Page 9, by inserting after line 3 the	
31	following:	
32	"Sec. ____ There is appropriated from the rebuild	
33	Iowa infrastructure fund of the state to the	
34	department of natural resources for the fiscal year	
35	beginning July 1, 1996, and ending June 30, 1997, the	
36	following amount, or so much thereof as is necessary,	
37	to be used for the following purpose:	
38	For the rehabilitation, preservation, and continued	
39	use of state park facilities, including low-head dams	
40	and historic buildings, appurtenant structures, and	
41	utilities built by the civilian conservation corps	
42	(CCC) or the works progress administration (WPA):	
43	.....	\$ 5,000,000
44	The department of natural resources shall establish	

45 rules providing for distribution of a portion of the
 46 appropriation in this section to other governmental
 47 entities owning or managing CCC or WPA facilities.
 48 All rehabilitation and preservation of CCC or WPA
 49 buildings funded by this appropriation shall conform
 50 to the United States secretary of the interior's

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1 standards for rehabilitation and guidelines for
 2 rehabilitating historic buildings. Where feasible,
 3 the department shall encourage the use of youth
 4 employment for rehabilitation and preservation efforts
 5 provided for in this section.

6 Notwithstanding section 8.33, unencumbered or
 7 unobligated moneys remaining on June 30, 1999, from
 8 the funds appropriated in this section, shall revert
 9 to the rebuild Iowa infrastructure fund on August 31,
 10 1999."

11 13. By striking page 9, line 31, through page 10,
 12 line 8.

13 14. Page 10, by inserting after line 22 the
 14 following:

15 "Sec. ____ It is the intent of the general
 16 assembly that \$1,400,000 shall be appropriated from
 17 the rebuild Iowa infrastructure fund to the commission
 18 of veterans affairs for fiscal year 1998 for
 19 additional funding for food preparation and dining
 20 room expansion. However, additional funding shall be
 21 contingent upon receiving notification from the United
 22 States department of veterans affairs that federal
 23 funds have been appropriated to the commission for
 24 that expansion."

25 15. By striking page 10, line 23 through page 11,
 26 line 24.

27 16. By striking page 11, line 32, through page
 28 12, line 2, and inserting the following:

29 "For renovation and restoration of the grandstand,
 30 the cattle barn, the horse barn, the swine barn, and
 31 for improvements to sewer, water, and electrical
 32 systems located on the state fairgrounds:
 33 \$ 5,000,000

34 Notwithstanding section 8.33, unencumbered or
 35 unobligated moneys remaining on June 30, 1998, from
 36 the funds appropriated in this section shall revert to
 37 the rebuild Iowa infrastructure fund on August 31,
 38 1998."

39 17. Page 12, by inserting after line 18 the
 40 following:

41 "Sec. ____ Section 8.22A, subsection 5, unnumbered
 42 paragraph 2, Code Supplement 1995, is amended to read
 43 as follows:

44 a. The amount of lottery revenues for the
 45 following fiscal year to be available for disbursement
 46 following the deductions made pursuant to section
 47 99E.10, subsection 1.

48 b. The amount of revenue for the following fiscal
49 year from gambling revenues and from interest earned
50 on the cash reserve fund and the economic emergency

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1 fund to be deposited in the rebuild Iowa
2 infrastructure fund under section 8.57, subsection 5,
3 paragraph "e".

4 Sec. 100. Section 8.54, subsection 5, Code 1995,
5 is amended to read as follows:

6 5. For a fiscal year~~s~~ year in which section 8.55,
7 subsection 2, results is projected to result in moneys
8 being transferred to the general fund, the original
9 state general fund expenditure limitation amount for
10 that fiscal year as provided for in subsection 3 shall
11 be readjusted adjusted to include the moneys which are
12 so projected to be transferred.

13 Sec. 200. Section 8.55, subsection 2, Code
14 Supplement 1995, is amended to read as follows:

15 2. The maximum balance of the fund is the amount
16 equal to five percent of the adjusted revenue estimate
17 for the fiscal year. If the amount of moneys in the
18 Iowa economic emergency fund is equal to the maximum
19 balance, moneys in excess of this amount shall be
20 transferred ~~to the general fund~~ as follows:

21 a. An amount equal to not more than two and one-
22 half percent of the adjusted revenue estimate for the
23 fiscal year in which the transfer is made shall be
24 transferred to the rebuild Iowa infrastructure fund.

25 b. Moneys remaining following the transfer in
26 paragraph "a" shall be transferred to the general fund
27 of the state.

28 Sec. 300. Section 8.57, subsection 5, paragraph c,
29 Code Supplement 1995, is amended to read as follows:

30 c. Moneys in the fund in a fiscal year shall be
31 used as directed by the general assembly for public
32 vertical infrastructure-related expenditures
33 infrastructure projects. For the purposes of this
34 subsection, "vertical infrastructure" means the
35 construction or renovation of buildings, all
36 appurtenant structures, utilities, and site
37 development. "Vertical infrastructure" does not
38 include operational expenses or leasing of a building,
39 appurtenant structure, or utility without a purchase
40 agreement. Moneys in the fund shall only be expended
41 for projects with an expected useful life of twenty
42 years or more.

43 Sec. 400. Section 8.57, subsection 5, Code
44 Supplement 1995, is amended by adding the following
45 new paragraphs:

46 NEW PARAGRAPH. e. Notwithstanding sections 99D.17
47 and 99F.11, not more than a total of sixty million
48 dollars shall be deposited in the general fund of the
49 state in any fiscal year pursuant to sections 99D.17
50 and 99F.11. The total moneys in excess of sixty

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1 million dollars in a fiscal year shall be deposited in
2 the infrastructure fund and shall be used as provided
3 in this section, notwithstanding section 8.60.

4 NEW PARAGRAPH. f. Beginning July 1, 1997, and
5 each fiscal year thereafter, fifteen million dollars
6 is appropriated from the infrastructure fund, to the
7 department of revenue and finance to be used to
8 provide matching funds for counties, cities, or school
9 districts that have approved a bond issuance by
10 referendum in accordance with section 16.203."

11 18. Page 12, by inserting after line 30 the
12 following:

13 "Sec. ____ NEW SECTION. 16.203 VERTICAL
14 INFRASTRUCTURE BONDING MATCH PROGRAM.

15 1. The authority shall create a vertical
16 infrastructure bonding match program to provide
17 matching moneys for counties, cities, and school
18 districts that have approved a bond issuance by
19 referendum for the purpose of constructing or
20 renovating vertical infrastructure. "Vertical
21 infrastructure" means the same as defined in section
22 8.57, subsection 5, paragraph "c".

23 2. The matching moneys provided under this section
24 shall be in an amount of up to ten percent of the
25 amount of the vertical infrastructure project or one
26 million dollars, whichever is less. Moneys shall be
27 distributed under this section in any one fiscal year
28 only until the fifteen million dollars allocated
29 pursuant to section 8.57, subsection 5, paragraph "f",
30 has been expended.

31 3. Funding shall be limited to only one political
32 entity within a county in any fiscal year. For
33 purposes of this subsection, "political entity" means
34 a county or city or school district located within one
35 or more counties, or any of the above who have entered
36 into a chapter 28E agreement. For political entities
37 that are located in one or more counties, the
38 limitation on one political entity within one county
39 in this subsection shall be determined as follows:

40 a. For cities, the county in which the majority of
41 the population resides.

42 b. For school districts, the county in which the
43 majority of the students reside.

44 4. To be eligible to receive matching moneys, a
45 county, city, or school district shall do all of the
46 following:

47 a. Obtain a preapproval letter of commitment prior
48 to the bond issuance referendum. To obtain
49 preapproval under this section, the applicant must
50 submit a five-year vertical infrastructure plan in

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- 1 accordance with rules adopted by the authority.
2 b. Pass a successful bond issuance by referendum,
3 in accordance with the statutory requirements for each
4 entity.
5 5. Upon a determination of eligibility, the
6 authority shall notify the department of revenue and
7 finance of the eligible county, city, or school
8 district and the amount of funding that the entity is
9 to receive. The department of revenue and finance
10 shall disburse the moneys to the entity in the
11 appropriate amount.”
12 19. Page 12, by inserting after line 30 the
13 following:
14 “Sec. . NEW SECTION. 18A.12 STATE CAPITOL
15 VIEW PRESERVATION PLAN.
16 1. The department of general services, at the
17 direction of the capitol planning commission, shall
18 adopt rules establishing and updating a state capitol
19 view preservation plan. The commission shall consult
20 with the city of Des Moines in establishing and
21 updating the plan. The purpose of the plan shall be
22 to ensure that the most dramatic or scenic views of
23 the state capitol remain unobstructed by the erection
24 of structures, including but not limited to buildings,
25 towers, and monuments.
26 2. As part of the plan the commission shall
27 establish a state capitol dominance zoning district
28 and state capitol scenic corridors.
29 a. The district shall include the area where the
30 state capitol is located and an area not less than
31 one-half mile surrounding the state capitol as
32 measured from the center of the state capitol’s dome.
33 The district is not required to be symmetrical, and
34 the size of the district is not required to be
35 uniform.
36 b. Corridors shall allow views of the state
37 capitol, and especially the state capitol’s dome, from
38 numerous vantage points in each direction, which
39 provide unique or dramatic perspectives.
40 3. The state capitol view preservation plan shall
41 provide for regulating the height and setback of
42 structures erected within the state capitol dominance
43 zoning district, and within and along state capitol
44 scenic corridors. The regulations shall provide for
45 absolute height and setback limitations, and may
46 provide for proportional increases based on the
47 structure’s distance from the state capitol, or based
48 on a comprehensive formula of trigonometric
49 projections.
50 4. In developing the plan, the commission shall

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1 study alternative approaches, including considering
2 approaches adopted in other states. The commission
3 shall balance the aesthetic value and the economic
4 impact of each approach considered.

5 5. The city shall amend its zoning ordinances, and
6 its comprehensive plan if required, to comply with the
7 state capitol view preservation plan."

8 20. Page 16, by inserting after line 15 the
9 following:

10 "Sec. 1000. Section 232.52, subsection 2,
11 paragraph a, subparagraph (4), Code Supplement 1995,
12 is amended to read as follows:

13 (4) The suspension or revocation of the motor
14 vehicle license or operating privilege of the child,
15 for a period of one year, for the commission of ~~one or~~
16 ~~more~~ delinquent acts which are a violation of ~~section~~
17 any of the following:

18 (a) Section 123.46, ~~section~~.

19 (b) Section 123.47 regarding the purchase or
20 attempt to purchase of alcoholic beverages, ~~or~~
21 ~~chapter~~.

22 (c) Chapter 124, ~~or two~~.

23 (d) Section 126.3.

24 (e) Chapter 453B.

25 (f) ~~Two or more delinquent acts which are a~~
26 ~~violation~~ violations of section 123.47 regarding the
27 possession of alcoholic beverages ~~for a period of one~~
28 ~~year~~.

29 SUBPARAGRAPH DIVIDED. The child may be issued a
30 temporary restricted license or school license if the
31 child is otherwise eligible."

32 21. Page 16, by inserting after line 27 the
33 following:

34 "Sec. ____ Section 307.10, subsection 1, Code
35 1995, is amended by striking the subsection and
36 inserting in lieu thereof the following:

37 1. a. Develop and coordinate an updated
38 comprehensive transportation policy for the state by
39 January 15, 1997. The policy shall be submitted to
40 the general assembly for approval, modification, or
41 rejection. Future revisions to the policy shall be
42 submitted to the general assembly for its approval.

43 b. A comprehensive transportation plan which is
44 based upon the updated transportation policy shall be
45 submitted to the governor and the general assembly
46 annually on January 15."

47 22. Page 16, by inserting after line 29 the
48 following:

49 "Sec. 1100. Section 321.205, unnumbered paragraph
50 2, Code 1995, is amended by striking the paragraph.

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1 Sec. 1200. Section 321.209, subsection 8, Code
2 1995, is amended by striking the subsection.

3 Sec. 1300. Section 321.212, subsection 1,
4 paragraph d, Code 1995, is amended to read as follows:

5 d. The department shall revoke a motor vehicle
6 license under ~~section 321.209, subsection 8, according~~
7 ~~to an order issued pursuant to section 901.5,~~
8 subsection 10, for one hundred eighty days. If the
9 person has not been issued a motor vehicle license,
10 the issuance of a motor vehicle license shall be
11 delayed for one hundred eighty days after the person
12 is first eligible. If the person's operating
13 privileges have been suspended or revoked at the time
14 the person is convicted, the one-hundred-eighty-day
15 revocation period shall not begin until all other
16 suspensions or revocations have terminated.

17 Sec. 1400. Section 321.213, Code Supplement 1995,
18 is amended to read as follows:

19 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
20 VIOLATIONS BY JUVENILE DRIVERS.

21 Upon the entering of an a dispositional order at
22 ~~the conclusion of an adjudicatory hearing suspending~~
23 ~~or revoking the motor vehicle license or operating~~
24 ~~privileges of the juvenile~~ under section ~~232.47 that~~
25 ~~the child violated a provision of this chapter or~~
26 ~~chapter 124, 126, 321A, 321J, or 453B for which the~~
27 ~~penalty is greater than a simple misdemeanor 232.52,~~
28 subsection 2, paragraph "a", the clerk of the juvenile
29 court ~~in the adjudicatory hearing~~ shall forward a copy
30 of the adjudication and the dispositional order to the
31 department. Notwithstanding section 232.55, a final
32 adjudication in a juvenile court that the child
33 violated a provision of this chapter, ~~chapter 124, a~~
34 ~~drug offense under section 126.3, or chapter 321A, or~~
35 ~~321J, or 453B~~ constitutes a final conviction for
36 purposes of section 321.189, subsection 8, paragraph
37 "b", and sections 321.193, 321.194, 321.200, 321.209,
38 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3,
39 and 321J.4. ~~However, suspensions for violations of~~
40 ~~chapter 124, section 126.3, or chapter 453B shall be~~
41 ~~in accordance with section 321.213A.~~

42 Sec. 1500. Section 321.213A, Code Supplement 1995,
43 is amended to read as follows:

44 321.213A LICENSE SUSPENSION FOR JUVENILES
45 ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL
46 OFFENSES.

47 Upon the entering of an a dispositional order at
48 ~~the conclusion of a dispositional hearing under~~
49 ~~section 232.50, where the child has been adjudicated~~
50 ~~to have committed a delinquent act, which would be a~~

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1 ~~first or subsequent violation of section 123.46,~~
2 ~~section 123.47 involving the purchase or attempt to~~
3 ~~purchase alcoholic beverages, chapter 124, section~~
4 ~~126.3, chapter 453B, or a second or subsequent~~
5 ~~violation of section 123.47 regarding the possession~~
6 ~~of alcoholic beverages, under section 232.52,~~
7 ~~subsection 2, paragraph "a", the clerk of the juvenile~~
8 ~~court in the dispositional hearing shall forward a~~
9 ~~copy of the adjudication and the dispositional order~~
10 ~~suspending or revoking the motor vehicle license or~~
11 ~~operating privileges of the juvenile to the~~
12 ~~department. The department shall suspend the license~~
13 ~~or operating privilege of the child for one year. The~~
14 ~~child may receive a temporary restricted license, if~~
15 ~~eligible, as provided in section 321.215.~~

16 Sec. 1600. Section 321.215, subsection 1,
17 unnumbered paragraph 2, Code Supplement 1995, is
18 amended to read as follows:

19 However, a temporary restricted license shall not
20 be issued to a person whose license is revoked under
21 ~~section 321.205 for a drug or drug-related offense or~~
22 ~~pursuant to a court order issued under section 901.5,~~
23 ~~subsection 10, or under section 321.209, subsections 1~~
24 ~~through 5 or subsection 7, or 8 or to a juvenile whose~~
25 ~~license has been suspended under section 321.213A or~~
26 ~~revoked pursuant to a dispositional order under~~
27 ~~section 232.52, subsection 2, paragraph "a", for a~~
28 ~~violation of chapter 124 or 453B, or section 126.3. A~~
29 ~~temporary restricted license may be issued to a person~~
30 ~~whose license is revoked under section 321.209,~~
31 ~~subsection 6, only if the person has no previous drag~~
32 ~~racing convictions. A person holding a temporary~~
33 ~~restricted license issued by the department under this~~
34 ~~section shall not operate a motor vehicle for~~
35 ~~pleasure.~~

36 Sec. 1700. Section 321.215, subsection 2,
37 unnumbered paragraph 1, Code Supplement 1995, is
38 amended to read as follows:

39 Upon conviction and the suspension or revocation of
40 a person's motor vehicle license under section ~~321.205~~
41 ~~for a drug or drug-related offense; 321.209,~~
42 ~~subsection 5, or 6, or 8; section 321.210; 321.210A;~~
43 ~~or 321.513; or upon revocation pursuant to a court~~
44 ~~order issued under section 901.5, subsection 10; or~~
45 ~~upon the denial of issuance of a motor vehicle license~~
46 ~~under section 321.560, based solely on offenses~~
47 ~~enumerated in section 321.555, subsection 1, paragraph~~
48 ~~"c", or section 321.555, subsection 2; or a juvenile,~~
49 ~~whose license has been suspended under section~~
50 ~~321.213A or revoked pursuant to a dispositional order~~

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1 under section 232.52, subsection 2, paragraph "a", for
2 a violation of chapter 124 or 453B, or section 126.3,
3 and upon the denial by the director of an application
4 for a temporary restricted license, a person may apply
5 to the district court having jurisdiction for the
6 residence of the person for a temporary restricted
7 permit to operate a motor vehicle for the limited
8 purpose or purposes specified in subsection 1. The
9 application may be granted only if all of the
10 following criteria are satisfied:

11 Sec. 1800. Section 321.215, subsection 2,
12 paragraph d, Code Supplement 1995, is amended to read
13 as follows:

14 d. Proof of financial responsibility is
15 established as defined in chapter 321A. However, such
16 proof is not required if the motor vehicle license was
17 suspended under section 321.210A or 321.513 or revoked
18 ~~under section 321.209, subsection 8, or suspended or~~
19 ~~revoked under section 321.205 for a drug or drug-~~
20 ~~related offense pursuant to a court order issued under~~
21 section 901.5, subsection 10.

22 Sec. 1900. Section 321.491, unnumbered paragraph
23 7, Code 1995, is amended by striking the paragraph.

24 Sec. 2000. Section 321A.17, subsection 5, Code
25 Supplement 1995, is amended to read as follows:

26 5. An individual applying for a motor vehicle
27 license following a period of suspension or revocation
28 ~~under section 321.205 for a drug or drug-related~~
29 ~~offense, section 321.209, subsection 8, pursuant to a~~
30 dispositional order issued under section 232.52,
31 subsection 2, paragraph "a", or under section 321.210,
32 subsection 1, paragraph "d", or section 321.210A,
33 321.213A, 321.213B, 321.216B, or 321.513, following a
34 period of suspension under section 321.194, or
35 following a period of revocation pursuant to a court
36 order issued under section 901.5, subsection 10, or
37 under section 321J.2A, is not required to maintain
38 proof of financial responsibility under this section.

39 Sec. ____ Section 465B.4, Code 1995, is amended to
40 read as follows:

41 465B.4 FUNDING.

42 To achieve the purposes of this chapter, the state
43 department of transportation, other state agencies,
44 political subdivisions of the state, and private
45 organizations may use funds from the following
46 sources:

47 1. Funds appropriated by the general assembly.
48 There shall be appropriated from the general fund of
49 the state to the state department of transportation,
50 beginning July 1, 1996, and each fiscal year

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1 thereafter, one million dollars to be used for the
2 purposes of this chapter.

3 2. Private grants and gifts.

4 3. Federal grants and loans intended for these
5 purposes.

6 Sec. 500. Section 602.8108, subsection 2, Code
7 1995, is amended to read as follows:

8 2. Except as otherwise provided, the clerk of the
9 district court shall report and submit to the state
10 court administrator, not later than the fifteenth day
11 of each month, the fines and fees received during the
12 preceding calendar month. Except as provided in
13 subsection subsections 4 and 5, the state court
14 administrator shall deposit the amounts received with
15 the treasurer of state for deposit in the general fund
16 of the state. The state court administrator shall
17 report to the legislative fiscal bureau within thirty
18 days of the beginning of each fiscal quarter the
19 amount received during the previous quarter in the
20 account established under this section.

21 Sec. 501. Section 602.8108, Code 1995, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 5. The state court administrator
24 shall allocate all of the fines and fees attributable
25 to commercial vehicle violation citations issued by
26 motor vehicle division personnel of the state
27 department of transportation to the treasurer of state
28 for deposit in the road use tax fund. However, the
29 fines and fees under this subsection, shall not be
30 deposited in the road use tax fund unless and until
31 the deposit to the Iowa prison infrastructure fund
32 provided for in section 602.8108A has been made.

33 Sec. 2100. Section 901.5, Code 1995, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 10. In addition to any sentence
36 imposed pursuant to chapter 902 or 903, the court
37 shall order the state department of transportation to
38 revoke the defendant's driver's license or motor
39 vehicle operating privilege for a period of one
40 hundred eighty days, or to delay the issuance of a
41 motor vehicle license for one hundred eighty days
42 after the person is first eligible if the defendant
43 has not been issued a motor vehicle license, and shall
44 send a copy of the order in addition to the notice of
45 conviction required under section 124.412, 126.26, or
46 453B.16, to the state department of transportation, if
47 the defendant is being sentenced for any of the
48 following offenses:

49 a. A controlled substance offense under section
50 124.401, 124.401A, 124.402, or 124.403.

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1 b. A drug or drug-related offense under section
2 126.3.

3 c. A controlled substance tax offense under
4 chapter 453B.

5 If the person's operating privileges are suspended
6 or revoked at the time of sentencing, the order shall
7 provide that the one hundred eighty-day revocation
8 period shall not begin until all other suspensions or
9 revocations have terminated. Any order under this
10 section shall also provide that the department shall
11 not issue a temporary restricted license to the
12 defendant during the revocation period, without
13 further order by the court."

14 23. Page 17, by inserting after line 13 the
15 following:

16 "Sec. ____ APPROPRIATION - RECREATIONAL TRAILS.

17 There is appropriated from the general fund of the
18 state, to the state department of transportation, for
19 the fiscal year beginning July 1, 1996, and ending
20 June 30, 1997, two million dollars, to be used for
21 acquiring, constructing, and improving recreational
22 trails in accordance with chapter 465B. A minimum of
23 fifty percent of the appropriation shall be used for
24 acquisition and construction of new recreational
25 trails and the remainder shall be used for maintenance
26 of existing recreational trails."

27 24. Page 17, by striking lines 14 through 24 and
28 inserting the following:

29 "Sec. ____ STATE GENERAL FUND BUDGET INCLUSIONS.

30 For the fiscal year beginning July 1, 1997, and each
31 fiscal year thereafter, the department of personnel,
32 the auditor of state, the attorney general's office,
33 the department of inspections and appeals, the
34 department of management, and the department of
35 revenue and finance shall request appropriations from
36 the general fund of the state that are currently
37 appropriated or reimbursed from the road use tax fund,
38 primary road fund, motor vehicle use tax receipts, or
39 from motor fuel taxes.

40 Sec. ____ SOYDIESEL DEMONSTRATION PROJECTS.

41 1. The state department of transportation shall
42 conduct a soydiesel demonstration project by operating
43 the department's diesel-fueled vehicles with soydiesel
44 fuel for a period of one year. For purposes of this
45 section, "soydiesel fuel" means a mixture of diesel
46 fuel and processed soybean oil, if at least 5 percent
47 of the mixed fuel by volume is processed soybean oil.
48 The department shall evaluate the performance of the
49 vehicles, including the rate of repairs and comments
50 from persons operating and maintaining the vehicles.

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1 2. The department shall report the findings of the
2 demonstration project and any recommendations to the
3 general assembly, to the chairpersons and ranking
4 members of the senate and house of representatives
5 standing committees on agriculture and to the
6 renewable fuels and coproducts advisory committee, by
7 October 1, 1997.

8 3. Prior to the allocation under section 423.24,
9 subsection 1, paragraph "b", one hundred thousand
10 dollars shall be allocated to the state department of
11 transportation for purposes of the demonstration
12 project under this section. Notwithstanding section
13 8.33, funds allocated under this section shall remain
14 available for expenditure until June 30, 1998.
15 Unobligated or unencumbered funds remaining on June
16 30, 1998, shall be credited to the value-added
17 agricultural products and processes financial
18 assistance fund under section 15E.112.

19 Sec. ____ SOYDIESEL - NONREVERSION.
20 Notwithstanding 1994 Iowa Acts, chapter 1119, section
21 32, subsection 2, paragraph "d", as amended by 1995
22 Iowa Acts, chapter 216, section 34, moneys remaining
23 unexpended or unobligated on June 30, 1996, shall not
24 be credited to the value-added agricultural products
25 and processes financial assistance fund, but shall be
26 allocated to the state department of transportation
27 for the purposes of continuing the soydiesel
28 demonstration project as provided for in this Act.

29 Sec. ____ INFRASTRUCTURE STUDY. The legislative
30 council is requested to study the issue of creating a
31 board to evaluate and prioritize expenditure of moneys
32 from the rebuild Iowa infrastructure fund and to study
33 the issue of establishing a financing mechanism to
34 provide local governments with assistance to finance
35 infrastructure improvements and to provide a dedicated
36 funding stream to be allocated to the rebuild Iowa
37 infrastructure fund. The purpose of the study is to
38 provide recommendations regarding members of the board
39 and a process for determining expenditures and to
40 recommend a financing mechanism and a dedicated
41 funding source to provide infrastructure assistance to
42 local governments. Consideration shall be given to
43 providing for the participation of the department of
44 general services, the department of management, and
45 the Iowa state university, department of construction
46 engineering in the study. Results of the study shall
47 be provided to the legislative council by January 31,
48 1997.

49 Sec. ____ STATE GOVERNMENT - SPACE ALLOCATION
50 STUDY. The department of general services, in

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1 consultation with the department of management, and
2 the legislative council shall study and make an
3 assessment of the space allocation needs for all state
4 agencies and entities in all areas of state
5 government. The study shall make a determination of
6 the feasibility of eliminating or reducing leased
7 office space and of relocating various areas of state
8 government outside of the Des Moines metropolitan
9 area. The goal of this relocation effort shall be to
10 provide at least fifty percent of the projected off-
11 complex space needs in areas located outside of the
12 Des Moines metropolitan area. The relocation shall
13 only be considered in areas that would provide
14 connections with the Iowa communications network. The
15 fifty-percent relocation calculation shall not include
16 the state department of transportation complex located
17 in Ames.

18 Sec. ____ REBUILD IOWA INFRASTRUCTURE FUND –
19 CONTINGENCY APPROPRIATION. If the rebuild Iowa
20 infrastructure fund does not receive an appropriation
21 from the operation of section 8.57, subsection 5,
22 paragraph “e”, in an amount equivalent to at least
23 \$48,400,000, for the fiscal year beginning July 1,
24 1996, and ending June 30, 1997, moneys in an amount
25 equivalent to the difference shall be appropriated
26 from the moneys transferred to the general fund of the
27 state pursuant to section 8.55, subsection 2, for the
28 fiscal year beginning July 1, 1996.

29 Sec. ____ LEGISLATIVE FISCAL BUREAU ESTIMATES.
30 The legislative fiscal bureau shall provide yearly
31 estimates of the annual operating costs for operation
32 of proposed buildings to be constructed from funds
33 provided from the rebuild Iowa infrastructure fund.
34 The estimates shall be presented to the legislative
35 fiscal committee and to the joint appropriations
36 subcommittee on transportation, infrastructure, and
37 capitals.

38 Sec. ____ ACCESS IOWA HIGHWAYS – INTENT – REPORT.

39 1. INTENT. It is the intent of the general
40 assembly to formulate an access Iowa plan which shall
41 designate portions of the commercial and industrial
42 network of highways as access Iowa highways. The goal
43 of the access Iowa plan shall be to enhance the
44 existing Iowa economy and ensure its continuing
45 development and growth in the national and global
46 competitive marketplace by providing for early
47 completion of the construction of the most important
48 portions of the Iowa highway system. These portions
49 of the system shall be those that are essential for
50 support of intrastate transportation and commerce and

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1 essential for ensuring Iowans direct access to the
2 nation's system of interstate highways and
3 transportation services.

4 The general assembly's past actions are consistent
5 with the access Iowa plan. The general assembly has
6 set general policy guidelines for the state
7 transportation commission's planning and programming
8 development, directed that road service be equalized
9 throughout the state, determined that a commercial and
10 industrial network of highways would benefit Iowa
11 transportation services, directed the commission to
12 focus at least part of their legislatively provided
13 resources on the commercial and industrial network,
14 and directed that the commission consider equalization
15 of accessibility for economic development as one of
16 the factors in establishing its plan and program
17 priorities for the commercial and industrial network.
18 These actions recognize that interstate commerce and
19 national economic development are furthered and
20 supported by the national system of interstate and
21 defense highways and the national highway system, and
22 that Iowa commerce and economic development are
23 supported by Iowa's commercial and industrial network
24 of highways.

25 2. ACCESS IOWA HIGHWAY DESIGNATION. The state
26 department of transportation shall designate portions
27 of the commercial and industrial network of highways
28 as access Iowa highways and shall expedite and
29 accelerate development of access Iowa highways. When
30 designating those portions of the commercial and
31 industrial network as access Iowa highways, the
32 department shall consider the direct and priority
33 linkages between economic centers within the state
34 with populations of 20,000 or more and the enhancement
35 of intrastate mobility and Iowa regional accessibility
36 and national accessibility.

37 3. REPORT. The state department of transportation
38 shall provide a report to the general assembly by
39 January 15, 1997, designating which portions of the
40 commercial and industrial network of highways the
41 department determines to be access Iowa highways. The
42 department shall list the highway improvements
43 necessary to provide modern and safe four-lane highway
44 service on access Iowa highways. The report shall
45 include program changes and options needed to enable
46 the early, rapid, expedited, and accelerated
47 completion of the development of access Iowa highways,
48 including funding and other support necessary to
49 ensure the early completion of the construction of the
50 access Iowa highways.

DIVISION IV

2 PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM

3 Sec. ____ Section 8.55, subsection 3, Code

4 Supplement 1995, is amended to read as follows:

5 3. The moneys in the Iowa economic emergency fund
6 may be appropriated by the general assembly only in
7 the fiscal year for which the appropriation is made.

8 The moneys shall only be appropriated by the general
9 assembly for emergency expenditures and for providing
10 indemnification for liability pursuant to section

11 15E.175 in an amount of up to a total of ten million
12 dollars. However, except as provided in section 8.58,

13 the balance in the Iowa economic emergency fund may be
14 used in determining the cash position of the general
15 fund of the state for the payment of state
16 obligations.

17 Sec. ____ NEW SECTION. 15E.175 PHYSICAL
18 INFRASTRUCTURE ASSISTANCE PROGRAM.

19 1. The Iowa department of economic development
20 shall establish a physical infrastructure financial
21 assistance program to provide financial assistance for
22 business or community physical infrastructure
23 development or redevelopment projects. Physical
24 infrastructure projects that create the necessary
25 infrastructure for economic success throughout Iowa,
26 that provide the opportunity for the creation of
27 quality, high-wage jobs, and that involve substantial
28 capital investment may be eligible for financial
29 assistance under the program. Physical infrastructure
30 development or redevelopment projects include, but are
31 not limited to, projects involving any mode of
32 transportation infrastructure, public works and
33 utilities such as sewer, water, power or
34 telecommunications, physical improvements which
35 mitigate, prevent or eliminate environmental
36 contaminants, and any other project deemed appropriate
37 by the department.

38 2. A physical infrastructure assistance fund is
39 created within the state treasury under the control of
40 the Iowa department of economic development.

41 a. The fund shall include any moneys appropriated
42 to the fund by the general assembly, payments of
43 interest earned, recaptures of awards, repayments of
44 moneys loaned or expended from the physical
45 infrastructure assistance program, and any other
46 moneys designated by the department for placement in
47 the fund.

48 b. The fund shall be used for the following:

49 (1) To provide reimbursement to the department of
50 natural resources for activities related to physical

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1 infrastructure assistance projects under this section.

2 (2) To provide financial assistance for qualifying
3 projects.

4 (3) To provide funding for any other purpose
5 consistent with this section and deemed appropriate by
6 the department.

7 c. Section 8.33 shall not apply to the physical
8 infrastructure assistance fund. Notwithstanding
9 section 12C.7, interest earned on moneys in the fund
10 shall be credited to the fund.

11 3. The department shall establish procedures and
12 guidelines for the physical infrastructure assistance
13 program and shall proceed in accordance with the
14 following:

15 a. Consult with and coordinate with the state
16 department of transportation, the department of
17 natural resources, and any other appropriate state
18 agency which is responsible for the development or
19 redevelopment of physical infrastructure in this state
20 to ensure that activities conducted pursuant to this
21 section are consistent with the policies and plans of
22 other state agencies and are coordinated with other
23 physical infrastructure projects.

24 b. Provide financial assistance in the form of a
25 loan, forgivable loan, loan guarantee, cost-share,
26 indemnification of costs, or any combination of
27 financial assistance deemed by the department to be
28 most efficient in facilitating the physical
29 infrastructure project.

30 c. Enter into contracts and to sue and be sued.
31 However, the department shall not in any manner
32 directly or indirectly pledge the credit of the state
33 of Iowa.

34 d. Authorize payment of costs, commissions,
35 attorney fees, consultant fees, and other reasonable
36 expenses from the fund. Expenses may include costs
37 relating to carrying out the duties necessary for
38 insuring or guaranteeing loans, co-sharing or
39 indemnifying costs under the physical infrastructure
40 financial assistance program, and for the recovery of
41 loans insured or guaranteed, costs co-shared or
42 indemnified, or the management of property acquired in
43 connection with such loans or costs.

44 e. Adopt administrative rules necessary to carry
45 out the provisions of this section.

46 4. The Iowa economic emergency fund created under
47 section 8.55 shall be used for indemnification of
48 liabilities under this section in an amount not to
49 exceed a total of ten million dollars.

50 Sec. ____ NEW SECTION. 455B.433 PHYSICAL

1 INFRASTRUCTURE ASSISTANCE – FUNDING – LIABILITY.

2 1. The department of natural resources shall work
3 in conjunction with the Iowa department of economic
4 development to identify environmentally contaminated
5 sites which qualify for the physical infrastructure
6 assistance program under section 15E.175. The
7 department shall provide an assessment of the site and
8 shall provide any emergency response activities which
9 the department deems necessary. The department may
10 take any further action, including remediation of the
11 site, that the department deems to be appropriate and
12 which promotes the purposes of the physical
13 infrastructure assistance program.

14 2. The department shall be reimbursed from the
15 physical infrastructure assistance fund under section
16 15E.175 for any costs incurred pursuant to this
17 section. Notwithstanding the limitations of chapter
18 455G, any costs incurred on a site contaminated by a
19 leaking underground storage tank may be reimbursed
20 from the Iowa comprehensive petroleum underground
21 storage tank fund.

22 3. A person shall not have standing pursuant to
23 section 455B.111 to commence a citizen suit which is
24 based upon property that is part of the physical
25 infrastructure assistance program pursuant to section
26 15E.175.

27 Sec. ____ There is appropriated from the rebuild
28 Iowa infrastructure fund of the state to the Iowa
29 department of economic development for the fiscal year
30 beginning July 1, 1996, and ending June 30, 1997, the
31 following amount, or so much thereof as is necessary,
32 to be deposited in the physical infrastructure
33 assistance fund created in section 15E.175:
34 \$ 2,000,000

35 Sec. ____ Notwithstanding the allocation of moneys
36 pursuant to section 455B.423, subsection 2, the first
37 two hundred thousand dollars of moneys allocated to
38 the hazardous substance remedial fund for the fiscal
39 year beginning July 1, 1996, and ending June 30, 1997,
40 shall be transferred to the physical infrastructure
41 assistance fund created under section 15E.175.”

42 25. Page 17, by inserting before line 25 the
43 following:

44 “DIVISION V

45 COUNTY TREASURERS’ ISSUANCE OF MOTOR VEHICLE LICENSES

46 Sec. ____ Section 321.179, subsection 1,
47 unnumbered paragraph 1, Code Supplement 1995, is
48 amended to read as follows:

49 Notwithstanding the provisions of this chapter or
50 chapter 321L which grant sole authority to the

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1 department for the issuance of motor vehicle licenses,
2 nonoperator's identification cards, and handicapped
3 identification devices, the counties of Adams, Cass,
4 Fremont, Mills, Montgomery, and Page, and additional
5 counties as designated by the department in accordance
6 with requirements established by the general assembly,
7 shall be authorized to issue motor vehicle licenses,
8 nonoperator's identification cards, and handicapped
9 identification devices on a permanent basis. However,
10 a county shall only be authorized to issue commercial
11 driver's licenses if certified to do so by the
12 department. If a county fails to meet the standards
13 for certification under this section, the department
14 itself shall provide for the issuance of commercial
15 driver's licenses in that county. The department
16 shall certify the county treasurers in the permanent
17 counties to issue commercial driver's licenses if all
18 of the following conditions are met:

19 Sec. ____ ADDITIONAL COUNTIES DESIGNATED.

20 1. The state department of transportation, in
21 conjunction with the county treasurers association,
22 shall designate additional counties which shall be
23 authorized by the department to issue motor vehicle
24 licenses, nonoperator's identification cards, and
25 handicapped identification devices on a permanent
26 basis, in accordance with section 321.179 and the
27 following:

28 a. By July 1, 1997, the department shall disband
29 two traveling driver's licensing teams and shall
30 authorize the counties that were being served by the
31 two departmental teams to issue motor vehicle licenses
32 in those counties.

33 b. By July 1, 1998, the department shall disband
34 an additional two traveling driver's licensing teams
35 and shall authorize the counties that were being
36 served by the two departmental teams to issue motor
37 vehicle licenses in those counties.

38 2. The state department of transportation shall
39 work in conjunction with the county treasurer in each
40 designated county and with a representative of the
41 Iowa state county treasurers association to facilitate
42 and implement the transfer of licensing duties and
43 responsibilities to the designated counties in
44 accordance with all of the following:

45 a. The department shall retain all administrative
46 authority over licensing functions which shall include
47 administrative procedures relating to cancellation,
48 revocation, or suspension of licenses, administrative
49 hearings and appeals, and training.

50 b. The department shall provide the county

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1 treasurer's office in each of the counties with all of
2 the supplies, materials, and equipment necessary to
3 carry out the provisions of this subsection.
4 c. If it is necessary for a county treasurer to
5 hire additional employees, first priority in hiring
6 shall be given to current employees of the department
7 who become unemployed due to the changes necessitated
8 by this section.

9 d. The county treasurers in the designated
10 counties shall offer service to the public during
11 normal business hours and may offer extended service
12 at the option of the county.

13 3. Notwithstanding any other provisions to the
14 contrary, the county treasurers of the counties
15 authorized to issue motor vehicle licenses may retain
16 for deposit in the county general fund, up to five
17 dollars for each motor vehicle license transaction,
18 including, but not limited to, issuance or renewal of
19 motor vehicle licenses, nonoperator's identification
20 cards, or handicapped identification devices.

21 4. As a condition for retention of moneys under
22 subsection 3, a county treasurer shall document the
23 actual quarterly expenditures associated with motor
24 vehicle license issuance including the amount of time
25 spent during that quarter on motor vehicle license-
26 related activities, the proportionate share of
27 salaries and benefits for county employees performing
28 motor vehicle license-related activities, the total
29 numbers of transactions conducted, and other costs
30 related to the administration of motor vehicle
31 license-related activities. Each county treasurer
32 shall provide the documentation of expenditures to the
33 state department of transportation and legislative
34 fiscal bureau. If the county treasurer's total
35 expenses are less than the moneys retained under this
36 subsection, the county treasurer shall submit the
37 difference to the treasurer of state on a quarterly
38 basis. The treasurer of state shall deposit that
39 amount in the road use tax fund.

40 DIVISION VI

41 Sec. _____. Section 75.1, Code 1995, is amended to
42 read as follows:

43 75.1 BONDS – ELECTION – VOTE REQUIRED.

44 1. When a proposition to authorize an issuance of
45 bonds by a county, township, school corporation, city,
46 or by any local board or commission, is submitted to
47 the electors, ~~such the proposition shall not be deemed~~
48 ~~carried or adopted, anything in the statutes to the~~
49 ~~contrary notwithstanding, unless is adopted if the~~
50 ~~vote in favor of such authorization~~ the proposition is

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1 equal to at least sixty percent of the total vote cast
2 for and against said the proposition at said the
3 election.

4 2. Notwithstanding subsection 1, if the annual
5 levy of property tax to pay principal and interest on
6 bonds issued by a county, school corporation, or city
7 is to be offset with revenue from a local income
8 surtax pursuant to section 76.21, the proposition
9 shall so state and the proposition is adopted if the
10 vote in favor of the proposition is equal to a
11 majority of the total vote cast for and against the
12 proposition at the election. However, a bond issuance
13 proposition proposing imposition of an income surtax
14 shall not be presented to the electors if in the first
15 year the income surtax is imposed the total of all
16 income surtaxes authorized by law and imposed in that
17 year on any taxpayer in the political subdivision
18 imposing the surtax would exceed twenty percent. Upon
19 request of the governing authority, the department of
20 management shall certify the cumulative rate of income
21 surtax being imposed in the political subdivision.

22 3. All ballots cast and not counted as a vote for
23 or against the proposition shall not be used in
24 computing the total vote cast for and against said the
25 proposition.

26 4. When a proposition to authorize an issuance of
27 bonds has been submitted to the electors under this
28 section and the proposal fails to gain approval by the
29 required percentage of votes, such proposal, or any
30 proposal which incorporates any portion of the
31 defeated proposal, shall not be submitted to the
32 electors for a period of ~~six~~ twelve months from the
33 date of such regular or special election.

34 Sec. ____ Section 76.1, Code 1995, is amended to
35 read as follows:

36 76.1 MANDATORY RETIREMENT.

37 ~~Hereafter issues~~ Issues of bonds of ~~every kind and~~
38 ~~character~~ by counties, cities, and school corporations
39 shall be consecutively numbered. The annual levy of
40 property tax, or combination of property tax levy and
41 income surtax imposed as provided in section 76.19,
42 shall be sufficient to pay the interest and
43 approximately such that portion of the principal of
44 the bonds as will retire them in a period not
45 exceeding ~~twenty~~ twenty-two years from date of issue.
46 Each issue of bonds shall be scheduled to mature
47 serially in the same order as numbered.

48 Sec. ____ Section 76.2, Code 1995, is amended to
49 read as follows:

50 76.2 MANDATORY LEVY - OBLIGATIONS IN ANTICIPATION

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1 OF LEVY.

2 The governing authority of these political
3 subdivisions before issuing bonds shall, by
4 resolution, provide for the assessment of an annual
5 levy upon all the taxable property in the political
6 subdivision, or the assessment of an annual property
7 tax levy and imposition of an income surtax under
8 section 76.19, sufficient to pay the interest and
9 principal and interest of the bonds within a period
10 named not exceeding twenty years that provided in
11 section 76.1. A certified copy of this resolution
12 shall be filed with the county auditor or the auditors
13 of the counties in which the political subdivision is
14 located; and the filing shall make it a duty of the
15 auditors to enter annually this levy for collection
16 from the taxable property within the boundaries of the
17 political subdivision until funds are realized to pay
18 the bonds in full. The property tax levy shall
19 continue to be made against property that is severed
20 from the political subdivision and the income surtax
21 shall continue to be imposed upon the residents of any
22 area severed from the political subdivision after the
23 filing of the resolution until funds are realized to
24 pay the bonds in full.

25 If the a resolution which does not include
26 imposition of an income surtax is filed prior to April
27 1, or May 1; if the political subdivision is a school
28 district, the annual levy shall begin with the tax
29 levy for collection commencing July 1 of that year.
30 If the resolution is filed after April 1, or May 1, in
31 the case of a school district, or if the resolution
32 includes imposition of an income surtax, the annual
33 property tax levy shall begin with the tax levy for
34 collection in the next succeeding fiscal year. If the
35 resolution includes the imposition of a local income
36 surtax and it is filed with the department of revenue
37 and finance prior to August 1, the imposition of the
38 surtax is retroactive to January 1 of that calendar
39 year. If the resolution is filed with the department
40 of revenue and finance on or after August 1, the
41 imposition of the income surtax begins on January 1 of
42 the next calendar year. However, the governing
43 authority of a political subdivision may adjust a levy
44 of taxes made under this section for the purpose of
45 adjusting the annual levies and collections and income
46 surtax rate for property severed from the political
47 subdivision, subject to the approval of the director
48 of the department of management.
49 If funds, including reserves and amounts available
50 for temporary transfer, are ~~found to be~~ insufficient

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1 to pay in full any installment of principal or
2 interest, a public issuer of bonds may anticipate the
3 next levy of property taxes pursuant to this section
4 or the imposition of an income surtax under section
5 76.19 in the manner provided in chapter 74, whether
6 the taxes so anticipated are to be collected in the
7 same or a future fiscal year.

8 To further secure the payment of the bonds, the
9 governing authority shall, by resolution, provide for
10 the assessment of an annual levy of a standby tax upon
11 all taxable property within the political subdivision.
12 A copy of the resolution shall be sent to the county
13 auditor of each county in which the political
14 subdivision is located. The revenues from the standby
15 tax shall be deposited in a special fund and shall be
16 expended only for the payment of principal and
17 interest on the bonds issued as provided in this
18 section, when the revenue from an income surtax as
19 provided in section 76.19 is insufficient. Reserves
20 shall not be built up in this fund in anticipation of
21 a projected default. The governing authority shall
22 adjust the annual standby property tax levy for each
23 year to reflect the amount of revenues in the special
24 fund and the amount of principal and interest which is
25 due in that year.

26 Sec. ____ Section 76.4, Code 1995, is amended to
27 read as follows:

28 76.4 PERMISSIVE APPLICATION OF FUNDS.

29 Whenever ~~If~~ the governing authority of ~~such a~~
30 political subdivision ~~shall have~~ has on hand funds
31 derived from ~~any other a~~ source ~~other than~~ taxation
32 which may be appropriated to the payment either of
33 ~~interest or principal or interest,~~ or both principal
34 and interest of such bonds, ~~such the~~ funds may be so
35 appropriated and used and the property tax levy and
36 income surtax rate, if imposed, for the payment of the
37 bonds correspondingly reduced.

38 Sec. ____ Section 76.7, Code 1995, is amended to
39 read as follows:

40 76.7 PARTICULAR BONDS AFFECTED - PAYMENT.

41 Counties, cities, and school corporations may at
42 any time ~~or times~~ extend or renew any legal
43 indebtedness or any part ~~thereof of the indebtedness~~
44 they may have represented by bonds or certificates
45 where ~~such the~~ indebtedness is payable from a limited
46 annual property tax or from a voted annual property
47 tax, or from an income surtax imposed under section
48 76.19, and may by resolution fund or refund the same
49 legal indebtedness and issue bonds ~~therefor~~ running
50 not more than twenty years to be known as funding or

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1 refunding bonds, and make provision for the payment of
2 the principal and interest thereof from the proceeds
3 of an annual property tax, or annual property tax and
4 income surtax, for the period covered by such the
5 bonds similar to the tax authorized by law or by the
6 electors for the payment of the indebtedness so
7 extended or renewed.

8 Sec. . NEW SECTION. 76.19 INCOME SURTAX.

9 1. An income surtax may be imposed by a political
10 subdivision as provided in this section, but only if
11 authorized by the electors as provided in section
12 75.1.

13 2. The income surtax shall be imposed upon state
14 income taxes computed under section 422.5, less
15 credits allowed in sections 422.11A, 422.11B, 422.11C,
16 422.12, and 422.12B, and shall be imposed upon the
17 state income tax for each calendar year, or for a
18 taxpayer's fiscal year ending during the second half -
19 of that calendar year or the first half of the
20 succeeding calendar year, and shall be imposed on all
21 taxpayers residing in the political subdivision on the
22 last day of the applicable tax year, and on taxpayers
23 residing in areas severed from the political
24 subdivision as provided in section 76.2.

25 3. The income surtax shall be imposed to collect
26 an amount that is equivalent to sixty percent of the
27 sum of the principal and interest of the bonds over
28 the life of the bonds. The rate of the income surtax
29 may be adjusted in any year for the sole purpose of
30 ensuring that an amount equivalent to sixty percent of
31 the principal and interest over the life of the bonds
32 is collected.

33 4. At the time of the annual levy under section
34 76.2, the governing authority of the political
35 subdivision shall also provide in the resolution for
36 the imposition of the income surtax and shall certify
37 to the department of management such sum expressed in
38 dollars. The department shall determine the rate of
39 income surtax to be imposed based upon the most recent
40 available figures from state income taxes paid by
41 taxpayers residing in the political subdivision. The
42 department shall continue to make such calculations
43 and certify the income surtax rate to the county
44 auditor or the auditors of the counties in which the
45 political subdivision is located with adjustments as
46 provided in this section until the principal and
47 interest on the bonds are paid in full. On or before
48 November 1 of each year in which the income surtax is
49 collected the director of revenue and finance shall
50 deposit with the treasurer of the political

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1 subdivision the entire amount of income surtax
2 collected from taxpayers residing in the political
3 subdivision.

4 5. The costs of administration shall be determined
5 by the department of revenue and finance, and shall be
6 based on a share of the total cost of administering
7 the department, in the same proportion as the amount
8 of income surtax collected is to the amount of state
9 income taxes collected.

10 6. The director of revenue and finance shall
11 administer the income surtax imposed under this
12 chapter and sections 422.4, 422.20 to 422.31, 422.68,
13 and 422.72 to 422.75 shall apply with respect to
14 administration of the income surtax.

15 Sec. ____ NEW SECTION. 76.20 INCOME TAX RETURNS.

16 An income surtax imposed under section 76.19 shall
17 be made a part of the Iowa individual income tax
18 return subject to the conditions and restrictions set
19 forth in section 422.21. The director of revenue and
20 finance shall provide on income tax returns a
21 requirement that each person required to file a return
22 numerically identify the city of residence of the tax-
23 payer and the merged area in which the taxpayer
24 resides.

25 Sec. ____ NEW SECTION. 76.21 PROPERTY TAX CREDIT
26 – AGRICULTURAL AND RESIDENTIAL PROPERTY.

27 Local income surtax revenues collected under
28 section 76.19 shall be used to offset the annual levy
29 of property tax on property assessed as agricultural
30 or residential property. The surtax shall be
31 distributed in the following manner:

32 Upon receipt of the revenues collected from the
33 income surtax, the county treasurer shall notify the
34 county auditor of the amount of income surtax revenues
35 received. The auditor shall determine the amount to
36 be credited to each parcel of real property located in
37 the political subdivision and assessed as agricultural
38 or residential, and shall enter such amount upon the
39 tax lists as a credit against the tax levied on each
40 parcel of real property assessed as agricultural or
41 residential. The county treasurer shall show on each
42 tax receipt the amount of tax credit to be applied
43 against property taxes payable in the fiscal year
44 following the year in which the surtax was collected
45 for each parcel of real property assessed as
46 agricultural or residential. In case of change of
47 ownership, the credit shall remain with the parcel.

48 The amount of the credit funded by revenues from
49 the income surtax imposed under section 76.19 shall be
50 an amount equal to a pro rata share based upon the

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1 ratio of the taxable value of each parcel to receive
2 the credit to the total taxable value of the property
3 to receive the credit.

4 Sec. ____ NEW SECTION. 76.22 DESIGNATION OF TAX.

5 An income surtax imposed under section 76.19 by a
6 school district shall be designated as a school debt
7 service income surtax, an income surtax imposed by a
8 merged area shall be designated as a merged area debt
9 service income surtax, an income surtax imposed under
10 section 76.19 by a city shall be designated a city
11 debt service income surtax, and an income surtax
12 imposed under section 76.19 by a county shall be
13 designated a county debt service income surtax.

14 Sec. ____ Section 260C.21, Code 1995, is amended
15 to read as follows:

16 260C.21 ELECTION TO INCUR INDEBTEDNESS.

17 1. No indebtedness shall be incurred under section
18 260C.19 until authorized by an election. A
19 proposition to incur indebtedness and issue bonds for
20 community college purposes shall be deemed ~~carried~~
21 adopted in a merged area if approved by a sixty
22 percent majority of all voters voting on the
23 proposition in the area. However, if the board elects
24 to offset the annual property tax levy with revenues
25 from a local income surtax pursuant to section 76.21,
26 the ballot proposition to authorize the issuance of
27 the bonds shall be submitted to the electorate
28 pursuant to section 75.1, subsection 2.

29 2. Notwithstanding subsection 1, if the costs of
30 utilities are paid by a community college with funds
31 derived from the levy authorized under section
32 260C.22, the community college may use the general
33 fund moneys that would have been used to pay the costs
34 of utilities for capital expenditures, may invest the
35 funds, or may incur indebtedness without an election,
36 provided that the payments on the indebtedness
37 incurred, and any interest on the indebtedness, can be
38 made using general funds of the community college and
39 the total payments on the principal and interest on
40 the indebtedness do not exceed the amount of the costs
41 of the utilities.

42 Sec. ____ Section 296.1, Code 1995, is amended to
43 read as follows:

44 296.1 INDEBTEDNESS AUTHORIZED.

45 Subject to the approval of the voters thereof,
46 school districts are hereby authorized to contract
47 indebtedness and to issue general obligation bonds to
48 provide funds to defray the cost of purchasing,
49 building, furnishing, reconstructing, repairing,
50 improving or remodeling a schoolhouse or schoolhouses

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1 and additions thereto, gymnasium, stadium, field
2 house, school bus garage, teachers' or
3 superintendent's home or homes, and procuring a site
4 or sites therefor, or purchasing land to add to a site
5 already owned, or procuring and improving a site for
6 an athletic field, or improving a site already owned
7 for an athletic field, and for any one or more of such
8 purposes. Taxes for the payment of ~~said the~~ bonds
9 shall be levied or imposed in accordance with chapter
10 76, and ~~said the~~ bonds shall mature within a period
11 ~~not exceeding twenty years from date of issue the~~
12 period provided in section 76.1, shall bear interest
13 at a rate or rates not exceeding that permitted by
14 chapter 74A and shall be of such form as the board of
15 directors of ~~such the~~ school district shall by
16 resolution provide, but the aggregate indebtedness of
17 any school district shall not exceed five percent of
18 the actual value of the taxable property within ~~said~~
19 the school district, as ascertained by the last
20 preceding state and county tax lists.

21 Sec. ____ Section 296.6, Code 1995, is amended to
22 read as follows:

23 296.6 BONDS.

24 If the vote in favor of the issuance of such bonds
25 is equal to at least sixty percent of the total vote
26 cast for and against ~~said the~~ proposition at ~~said the~~
27 election, the board of directors shall issue the ~~same~~
28 bonds and make provision for payment thereof of the
29 bonds. However, if the board of directors of a school
30 district elects to offset the annual property tax levy
31 with revenues from an income surtax pursuant to
32 section 76.21, the ballot proposition to authorize the
33 issuance of the bonds shall be submitted to the
34 electorate pursuant to section 75.1, subsection 2.

35 Sec. ____ Section 298.14, unnumbered paragraph 1,
36 Code 1995, is amended to read as follows:

37 For each fiscal year, the cumulative total of the
38 percents of surtax approved by the board of directors
39 of a school district and collected by the department
40 of revenue and finance under sections 257.21, 257.29,
41 279.54, and 298.2, and the enrichment surtax under
42 section 442.15, Code 1989, and an income surtax
43 collected by a political subdivision under chapter
44 422D, shall not exceed twenty percent. In addition,
45 if an income surtax is imposed under section 76.19,
46 the cumulative total of percents of surtax imposed on
47 any taxpayer in a school district under sections
48 76.19, 257.21, 257.29, 279.54, 298.2, 442.15, Code
49 1989, and chapter 422D shall not exceed twenty percent
50 in the first year in which one or more of these income

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1 surtaxes is imposed.

2 Sec. ____ Section 298.18, unnumbered paragraph 2,
3 Code 1995, is amended to read as follows:

4 The amount estimated ~~and certified to apply on to~~
5 pay principal and interest for any one year shall not
6 exceed ~~an amount that could be raised by a property~~
7 tax levy equal to two dollars and seventy cents per
8 thousand dollars of the assessed valuation of the
9 taxable property of the school corporation except as
10 hereinafter provided.

11 Sec. ____ Section 298.18, unnumbered paragraph 4,
12 Code 1995, is amended to read as follows:

13 The amount estimated ~~and certified to apply on to~~
14 pay principal and interest for any one year may exceed
15 an amount that could be raised by a property tax levy
16 equal to two dollars and seventy cents per thousand
17 dollars of assessed value by the amount approved by
18 the voters of the school corporation, but not
19 exceeding four dollars and five cents per thousand of
20 the assessed value of the taxable property within any
21 school corporation, provided that the ~~qualified~~
22 registered voters of such school corporation have
23 first approved such increased amount at a special
24 election, which may be held at the same time as the
25 regular school election. The proposition submitted to
26 the voters at such special election shall be in
27 substantially the following form:

28 Sec. ____ Section 298.18, unnumbered paragraph 6,
29 Code 1995, is amended to read as follows:

30 Notice of the election shall be given by the county
31 commissioner of elections according to section 49.53.
32 The election shall be held on a date not less than
33 four nor more than twenty days after the last
34 publication of the notice. ~~At such the~~ election the
35 ballot used for the submission of ~~said the~~ proposition
36 shall be in substantially the form for submitting
37 special questions at general elections. The county
38 commissioner of elections shall conduct the election
39 pursuant to the provisions of chapters 39 to 53 and
40 certify the results to the board of directors. ~~Such~~
41 The proposition shall not be deemed ~~carried or~~ adopted
42 unless the vote in favor of ~~such the~~ proposition is
43 equal to at least sixty percent of the total vote cast
44 for and against ~~said the~~ proposition at ~~said the~~
45 election. ~~Whenever~~ However, if the board of directors
46 of a school district elects to offset the annual
47 property tax levy with revenues from an income surtax
48 pursuant to section 76.21, the ballot proposition
49 shall be submitted to the electorate pursuant to
50 section 75.1, subsection 2. If such a proposition has

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1 been approved by the voters of a school corporation as
2 hereinbefore provided, no further approval of the
3 voters of ~~such~~ the school corporation shall be
4 required as a result of any subsequent change in the
5 boundaries of ~~such~~ the school corporation.

6 Sec. ____ Section 298.22, unnumbered paragraph 1,
7 Code 1995, is amended to read as follows:

8 ~~All of said~~ The bonds shall be substantially in the
9 form provided for county bonds, but subject to changes
10 that will conform them to the action of the board
11 ~~providing therefor;~~ shall ~~run not more than twenty~~
12 years mature within the period provided in section
13 76.1, and may be sooner paid if so nominated in the
14 bond; bear a rate of interest not exceeding that
15 permitted by chapter 74A, payable semiannually; be
16 signed by the president and countersigned by the
17 secretary of the board of directors; and shall not be
18 disposed of for less than par value, nor issued for
19 other purposes than this chapter provides.

20 Sec. ____ Section 331.442, subsection 4, Code
21 Supplement 1995, is amended to read as follows:

22 4. The proposition of issuing bonds for a general
23 county purpose is not ~~carried or~~ adopted unless the
24 vote in favor of the proposition is equal to at least
25 sixty percent of the total vote cast for and against
26 the proposition at the election. However, if the
27 board elects to offset the annual property tax levy
28 with revenues from a local income surtax pursuant to
29 section 76.21, the ballot proposition to authorize the
30 issuance of the bonds shall be submitted to the
31 electorate pursuant to section 75.1, subsection 2. If
32 the proposition of issuing the general county purpose
33 bonds is approved by the voters, the board may proceed
34 with the issuance of the bonds.

35 Sec. ____ Section 331.442, subsection 5, paragraph
36 a, unnumbered paragraph 1, Code Supplement 1995, is
37 amended to read as follows:

38 Notwithstanding subsection 2, a board, in lieu of
39 calling an election, may institute proceedings for the
40 issuance of bonds for a general county purpose by
41 causing a notice of the proposal to issue the bonds,
42 including a statement of the amount and purpose of the
43 bonds, the type or types of debt service tax to be
44 levied or imposed to pay principal and interest on the
45 bonds, and the right to petition for an election, to
46 be published as provided in section 331.305 at least
47 ten days prior to the meeting at which it is proposed
48 to take action for the issuance of the bonds subject
49 to the following limitations:

50 Sec. ____ Section 331.447, subsection 1, Code

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1 Supplement 1995, is amended to read as follows:

2 1. Taxes for the payment of general obligation
3 bonds shall be levied or imposed in accordance with
4 chapter 76, and the bonds are payable from ~~the levy of~~
5 ~~unlimited ad valorem taxes on all the taxable property~~
6 ~~within the county through its debt service fund~~
7 ~~required by section 331.430~~ a debt service property
8 tax or combination of a debt service property tax and
9 a debt service local income surtax, unlimited as to
10 amount, except that:

11 a. The amount estimated ~~and certified to apply to~~
12 pay on principal and interest for any one year shall
13 not exceed an amount that could be raised by a debt
14 service property tax levy equal to the maximum rate of
15 tax, if any, provided by this division for the purpose
16 for which the bonds were issued. If general
17 obligation bonds are issued for different categories,
18 as provided in section 331.445, the maximum rate of
19 levies, if any, for each purpose shall apply
20 separately to that portion of the bond issue for that
21 category and the resolution authorizing the bond issue
22 shall clearly set forth the annual debt service
23 requirements with respect to each purpose in
24 sufficient detail to indicate compliance with the rate
25 of tax levy, if any.

26 b. The amount estimated ~~and certified to apply to~~
27 pay on principal and interest for any one year may
28 only exceed an amount that could be raised by a debt
29 service property tax levy equal to the statutory rate
30 of levy limit, if any, by the amount that the
31 registered voters of the county have approved at a
32 special election, which may be held at the same time
33 as the general election and may be included in the
34 proposition authorizing the issuance of bonds, if an
35 election on the proposition is necessary, or may be
36 submitted as a separate proposition at the same
37 election or at a different election. Notice of the
38 election shall be given as specified in section
39 331.305. If the proposition includes issuing bonds
40 and increasing the levy limit, it shall be in
41 substantially the following form:

42 Shall the county of, state of Iowa, be
43 authorized to (here state purpose of
44 project) at a total cost not exceeding \$ and
45 issue its general obligation bonds in an amount not
46 exceeding \$ for that purpose, and be authorized
47 to levy annually a debt service property tax (or debt
48 service property tax, and income surtax to offset the
49 property tax, if applicable), which will produce an
50 amount not exceeding ... dollars and ... cents per

1 thousand dollars of the assessed value of the taxable
2 property within the county to pay the principal of and
3 interest on the bonds?

4 If the proposition includes only increasing the
5 levy limit it shall be in substantially the following
6 form:

7 Shall the county of , state of Iowa, be
8 authorized to levy annually a debt service property
9 tax (or debt service property tax and income surtax to
10 offset the property tax, if applicable), which will
11 produce an amount not exceeding dollars and
12 cents per thousand dollars of the assessed value of
13 the taxable property within the county to pay
14 principal and interest on the bonded indebtedness of
15 the county for the purpose of ?

16 Sec. ____ Section 331.490, Code 1995, is amended
17 to read as follows:

18 331.490 CITIES SUBJECT TO DEBT SERVICE TAX LEVY -
19 RATES.

20 1. If a county and city have entered into an
21 agreement to create a joint special assessment
22 district and issue county general obligation bonds to
23 fund the costs of a public improvement benefiting that
24 district, the county's debt service property tax levy
25 for the county general obligation bonds shall not be
26 levied against property located in any city except a
27 city which has entered into the agreement, and, if
28 applicable, the county's debt service income surtax
29 for the county general obligation bonds shall not be
30 imposed on taxpayers who reside in any city except a
31 city which has entered into the agreement.

32 2. Counties and cities entering into an agreement
33 for a joint special assessment district may provide in
34 the agreement for a different rate of the county's
35 debt service tax levy against property in areas of the
36 county outside a city and property within the cities,
37 and, if applicable, for a different rate of the
38 county's debt service income surtax to be imposed on
39 taxpayers residing outside the cities and those
40 residing within each city.

41 Sec. ____ Section 384.26, subsection 2, Code
42 Supplement 1995, is amended to read as follows:

43 2. Before the council may institute proceedings
44 for the issuance of bonds for a general corporate
45 purpose, it shall call a special city election to vote
46 upon the question of issuing the bonds. At the
47 election the proposition must be submitted in
48 substantially the following form:

49 Shall the (insert the name of the
50 city) issue its bonds in an amount not exceeding the

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1 amount of \$..... for the purpose of ... , such
2 bonds to be payable from a property tax levied on all
3 taxable property within the city (and income surtax to
4 offset the property tax to be imposed on the state
5 income tax of each income taxpayer residing in the
6 city)?

7 Sec. ____ Section 384.26, subsection 4, Code
8 Supplement 1995, is amended to read as follows:

9 4. The proposition of issuing general corporate
10 purpose bonds is not ~~carried or~~ adopted unless the
11 vote in favor of the proposition is equal to at least
12 sixty percent of the total vote cast for and against
13 the proposition at the election. However, if the city
14 council elects to offset the annual property tax levy
15 with revenues from a local income surtax pursuant to
16 section 76.21, the ballot proposition to authorize the
17 issuance of the bonds shall be submitted to the
18 electorate pursuant to section 75.1, subsection 2. If
19 the proposition of issuing the general corporate
20 purpose bonds is approved by the voters, the city may
21 proceed with the issuance of the bonds.

22 Sec. ____ Section 384.26, subsection 5, paragraph
23 a, unnumbered paragraph 1, Code Supplement 1995, is
24 amended to read as follows:

25 Notwithstanding the provisions of subsection 2, a
26 council may, in lieu of calling an election, institute
27 proceedings for the issuance of bonds for a general
28 corporate purpose by causing a notice of the proposal
29 to issue the bonds, including a statement of the
30 amount and purpose of the bonds, the type or types of
31 debt service tax to be levied or imposed to pay
32 principal and interest of the bonds, together with the
33 maximum rate of interest which the bonds are to bear,
34 and the right to petition for an election, to be
35 published at least once in a newspaper of general
36 circulation within the city at least ten days prior to
37 the meeting at which it is proposed to take action for
38 the issuance of the bonds subject to the following
39 limitations:

40 Sec. ____ Section 384.32, Code 1995, is amended to
41 read as follows

42 384.32 TAX TO PAY.

43 Taxes for the payment of general obligation bonds
44 must be levied in accordance with chapter 76, and the
45 bonds are payable from the levy of ~~unlimited ad~~
46 ~~valorem taxes on all the taxable property within the~~
47 ~~city through its debt service fund authorized by~~
48 ~~section 384.4 a debt service property tax or a~~
49 combination of a debt service property tax and a debt
50 service income surtax, unlimited as to amount.

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1 Sec. ____ APPLICABILITY DATE. This division
2 applies to bond issuances approved at elections held
3 on or after the effective date of this Act.

4 DIVISION VII

5 Sec. ____ REPEAL. Section 312.2A, Code 1995, is
6 repealed.

7 Sec. ____ RETROACTIVITY, EFFECTIVE DATE, AND
8 APPLICABILITY PROVISIONS.

9 1. Sections 50 and 51 of this Act, being deemed of
10 immediate importance, take effect upon enactment.

11 2. Section 100 of this Act, amending section 8.54,
12 subsection 5, Code 1995, being deemed of immediate
13 importance, takes effect upon enactment and applies
14 retroactively to December 15, 1995.

15 3. Section 200 of this Act, amending section 8.55,
16 subsection 2, Code Supplement 1995, takes effect June
17 30, 1998, and first applies to moneys appropriated
18 from the surplus in the general fund of the state at
19 the conclusion of the fiscal year ending June 30,
20 1998, and distributed in the succeeding fiscal years
21 as provided in section 8.57.

22 4. Section 300 of this Act, amending section 8.57,
23 subsection 5, paragraph "c", Code Supplement 1995,
24 takes effect on July 1, 1997.

25 5. Section 400 of this Act, amending section 8.57,
26 subsection 5, Code Supplement 1995, by adding new
27 paragraph "e", being deemed of immediate importance,
28 takes effect upon enactment and applies retroactively
29 to July 1, 1995.

30 6. Sections 500 and 501 of this Act amending
31 section 602.8108 are effective July 1, 1997.

32 Sec. 2200. EFFECTIVE DATE. Sections 1000 through
33 2100 of this Act, being deemed of immediate
34 importance, take effect upon enactment."

35 26. Title page, by striking lines 5 and 6 and
36 inserting the following: "rebuild Iowa infrastructure
37 fund, creating infrastructure programs and authorizing
38 projects, authorizing funding for bonds issued by a
39 political subdivision, expanding the issuance of motor
40 vehicle licenses by county treasurers and providing
41 funding, construction projects for the".

42 27. Title page, line 8, by inserting after the
43 word "appropriations," the following: "providing for
44 the revocation or suspension of certain driver's
45 licenses by court order,".

46 28. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-5960.

INTRODUCTION OF BILL

House File 2499, by Siegrist and Schrader, a bill for an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property.

Read first time and referred to committee on **commerce-regulation**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2421** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on **commerce-regulation**, for the consideration of **House File 2499**.

MOTIONS TO RECONSIDER

(Senate File 2153)

I move to reconsider the vote by which Senate File 2153 passed the House on April 16, 1996.

KREMER of Buchanan

I move to reconsider the vote by which Senate File 2153 passed the House on April 16, 1996.

METCALF of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this sixteenth day of April, 1996: House Files 2399 and 2488.

ELIZABETH A. ISAACSON

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 334, an act relating to the hearing and election provisions of the instructional support program of school districts.

House File 419, an act providing for class "C" area service system roads and providing a penalty.

House File 511, an act relating to open-end credit pursuant to a credit card, including the permissible over-limit or delinquency charges, the offering of credit unemployment insurance, and the time requirements for making certain payments.

House File 2061, an act relating to the immunity from civil liability for health care peer review committee members.

House File 2256, an act providing requirements for implementation of new or revised federal block grant provisions which affect local governments and providing an effective date and applicability provision.

House File 2306, an act relating to the regulation of motorboats on certain artificial lakes, and providing an effective date and applicability dates.

House File 2315, an act authorizing small quantities of wine to be shipped in and out of this state for consumption or use by persons twenty-one years of age or older.

House File 2324, an act relating to state employee disclosures of information and making penalties applicable and providing an effective date.

House File 2456, an act relating to the rights of victims of criminal acts.

House File 2462, an act relating to public access to motor vehicle records and providing a conditional repeal and an effective date.

Senate File 2131, an act relating to a continuing appropriation for city public improvements.

Senate File 2158, an act relating to textbooks.

Senate File 2218, an act relating to the community health management system by extending the date for implementation of phase I of the system.

Senate File 2283, an act relating to voting, the distribution of earnings, and the bylaws of a cooperative association.

Senate File 2303, an act relating to the medical assistance program including provisions relating to personal liability of personal representatives of medical assistance recipients, nursing facility fines, and transfers of assets.

Senate File 2324, an act relating to public assistance and certain associated state tax provisions involving the family investment program, family development and self-sufficiency council, individual development accounts, fraudulent practices involving the food stamp program, and child support obligations of minors, making penalties applicable, and providing applicability provisions and effective dates.

Senate File 2430, an act requiring the juvenile court to provide certain information to a victim of a delinquent act committed by a juvenile.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five sixth grade students from Chariton Middle School, Chariton, accompanied by Mr. Smith. By Arnold of Lucas.

Five Senior Government students from Winfield-Mt. Union High School, Winfield, accompanied by Jeff Batey. By Heaton of Henry.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\491 Jason Steger, Council Bluffs – For his appointment to the United States Military Academy at West Point.
- 1996\492 Norma and Patrick Carroll, Carter Lake – For celebrating their Fiftieth wedding anniversary.
- 1996\493 Mr. and Mrs. Dwight Wilson, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1996\494 Evan Swain, Dayton – For celebrating his Ninetieth birthday.
- 1996\495 Mable Swain – For celebrating her Eighty-fifth birthday.
- 1996\496 Tammi Blackstone, Cherokee – For being named to Parade Magazine's All-America High School Girls Basketball Team.
- 1996\497 Van Buren Elementary School, Cedar Rapids – For celebrating their Twenty-fifth anniversary.

SUBCOMMITTEE ASSIGNMENT

Senate File 2467

Ways and Means: Grubbs, Chair; Bernau and Lamberti.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 757

Ways and Means: Disney, Chair; Dinkla and Doderer.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that

the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

House File 2499, a bill for an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1996.

COMMITTEE ON WAYS AND MEANS

Senate File 2224, a bill for an act relating to veterans of the United States armed forces, by changing eligibility for veteran benefits, preferences, and tax exemptions, by providing for the administration of veteran benefits, providing a penalty, and by providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5974**, April 16, 1996.

Senate File 2357, a bill for an act relating to school finance providing for an increase in the amount certified for levy in excess of that previously authorized for bonded indebtedness repayment.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1996.

Senate File 2467, a bill for an act increasing the nonpublic school tax credit and eliminating the nonpublic school tax deduction for amounts paid for tuition and textbooks for nonpublic elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1996.

Committee Bill (Formerly House Study Bill 757), providing for the modification or termination of certain testamentary trusts by the court.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1996.

AMENDMENTS FILED

H-5962	S.F.	2245	Halvorson of Clayton
H-5963	S.F.	2245	Rants of Woodbury
H-5964	S.F.	2435	Coon of Warren Kreiman of Davis
H-5965	S.F.	2365	Weigel of Chickasaw
H-5966	H.F.	2447	Shoultz of Black Hawk Witt of Black Hawk

			Burnett of Story
			Mascher of Johnson
			Vande Hoef of Osceola
			Holveck of Polk
H-5967	H.F.	2496	Heaton of Henry
H-5968	H.F.	2447	Vande Hoef of Osceola
			Holveck of Polk
			Shoultz of Black Hawk
			Mascher of Johnson
			Burnett of Story
			Witt of Black Hawk
H-5969	H.F.	2447	Mascher of Johnson
			Shoultz of Black Hawk
			Burnett of Story
			Witt of Black Hawk
H-5970	H.F.	2447	Vande Hoef of Osceola
			Holveck of Polk
			Shoultz of Black Hawk
			Burnett of Story
			Witt of Black Hawk
			Mascher of Johnson
H-5971	H.F.	2447	Vande Hoef of Osceola
			Holveck of Polk
			Shoultz of Black Hawk
			Burnett of Story
			Witt of Black Hawk
			Mascher of Johnson
H-5972	H.F.	2447	Mascher of Johnson
			Burnett of Story
			Witt of Black Hawk
			Shoultz of Black Hawk
			Holveck of Polk
			Vande Hoef of Osceola
H-5973	H.F.	2447	Vande Hoef of Osceola
H-5974	S.F.	2224	Committee on
			Ways and Means
H-5975	H.F.	2447	Thomson of Linn
			Welter of Jones
			Taylor of Linn
			Larson of Linn
			Schulte of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 2:00 p.m., until 8:45 a.m., Wednesday, April 17, 1996.

JOURNAL OF THE HOUSE

One Hundred-first Calendar Day – Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 17, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Douglas Swarthout, Bennezette Wesleyan Methodist Church, Bristow.

The Journal of Tuesday, April 16, 1996 was approved.

SENATE MESSAGES CONSIDERED

Senate File 2457, by committee on ways and means, a bill for an act relating to single-family residential construction and by establishing a mediation process providing consumer remedies, and providing for related matters.

Read first time and referred to committee on **commerce-regulation**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 230, a bill for an act relating to procedural requirements for the enforcement of certain copyrights, and providing for penalties.

Also: That the Senate has on April 16, 1996, concurred in the House amendment to Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2383, a bill for an act relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants.

Also: That the Senate has on April 16, 1996, insisted on its amendment to House File 2421, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Webster, Senator Halvorson, Chair; the Senator from Fayette, Senator Murphy; the Senator from Pottawattamie, Senator Gronstal; the Senator from Adair, Senator Douglas; the Senator from Bremer, Senator Jensen.

Also: That the Senate has on April 16, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2497, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Also: That the Senate has on April 16, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2370, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision.

Also: That the Senate has on April 16, 1996, appointed the conference committee to Senate File 2442, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates, and the members of the Senate are: The Senator from Story, Senator Hammond, Chair; the Senator from Scott, Senator Deluhery; the Senator from Polk, Senator Szymoniak; the Senator from Shelby, Senator Boettger; the Senator from Scott, Senator Tinsman.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED (House File 2421)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2421: Millage of Scott, Chair; Brauns of Muscatine, Bradley of Clinton, Cohoon of Des Moines and Warnstadt of Woodbury.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2321**, a bill for an act relating to the nonconfidentiality of information regarding the qualifications of interpreters for the deaf services division of the department of human rights, previously deferred and placed on the unfinished business calendar.

Lord of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2321)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst

Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Corbett, Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Dinkla	Drees	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker pro tempore Van Maanen of Marion in the chair at 9:14 a.m.

Ways and Means Calendar

House File 2496, a bill for an act relating to the financial and regulatory procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers, by eliminating the filing of late claims for property credits, by striking personal property tax credits of military veterans, by striking outdated property tax limitations, by amending tax sale procedures, by providing delinquency dates for property taxes, by providing for properly related matters, and by providing an applicability date and effective dates, was taken up for consideration.

Heaton of Henry offered amendment H-5967 filed by him as follows:

H-5967

- 1 Amend House File 2496 as follows:
- 2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 330A.6, subsection 2, Code
5 1995, is amended to read as follows:

6 2. After the hearing, and if in the best interests
7 of the municipality, the municipality shall enact an
8 ordinance authorizing the creation of the authority.
9 However, within ten days of adoption of the ordinance,
10 a petition may be filed requesting that the measure be
11 approved by the registered voters of the municipality
12 before taking effect. The petition shall meet the
13 requirements of section 331.306 or 364.2, as
14 applicable. Upon receipt of such a petition, the
15 governing body may repeal the ordinance or shall
16 direct the county commissioner of elections to call a
17 special election for voter approval of the ordinance.
18 The results of the referendum are binding on any
19 further action of the board pertaining to the
20 ordinance."

21 2. By renumbering as necessary.

Myers of Johnson rose on a point of order that amendment H-5967 was not germane.

The Speaker ruled the point well taken and amendment H-5967 not germane.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5895 filed by him on April 9, 1996.

Weigel of Chickasaw asked and received unanimous consent that amendment H-5901 be deferred.

Vande Hoef of Osceola asked and received unanimous consent to withdraw amendment H-5910 filed by Halvorson of Clayton on April 10, 1996.

Vande Hoef of Osceola offered amendment H-5890 filed by him as follows:

H-5890

1 Amend House File 2496 as follows:

2 1. Page 7, by inserting after line 27 the
3 following:

4 "Sec. ____ Section 435.1, subsection 5, Code

5 Supplement 1995, is amended to read as follows:

6 5. "Modular home" means a factory-built structure
7 ~~built on a permanent chassis~~ which is manufactured to
8 be used as a place of human habitation, is constructed
9 to comply with the Iowa state building code for
10 modular factory-built structures, and must display the
11 seal issued by the state building code commissioner.
12 If a modular home is placed in a mobile home park, the
13 home is subject to the annual tax as required by

14 section 435.22. If a modular home is placed outside a
15 mobile home park, the home shall be considered real
16 property and is to be assessed and taxed as real
17 estate.”

18 2. Page 8, by striking lines 13 through 26.

19 3. Page 12, by inserting after line 12 the
20 following:

21 “Sec. ____ Section 555B.4, subsection 3, Code
22 1995, is amended to read as follows:

23 3. If a tax lien exists on the mobile home or
24 personal property at the time an action for
25 abandonment is initiated, the real property owner
26 shall notify the county treasurer of each county in
27 which a tax lien appears by restricted certified mail
28 sent not less than ten days before the hearing. The
29 notice shall describe the mobile home and shall state
30 the docket, case number, date and time at which the
31 hearing is scheduled, and the county treasurer’s right
32 to assert a claim to the mobile home at the hearing.
33 The notice shall also state that failure to assert a
34 claim to the mobile home is deemed a waiver of all
35 right, title, claim, and interest in the mobile home
36 and is deemed consent to the sale or disposal of the
37 mobile home.

38 Sec. ____ Section 562B.7, subsection 6, Code 1995,
39 is amended by striking the subsection and inserting in
40 lieu thereof the following:

41 6. “Mobile home park” means a site, lot, field, or
42 tract of land upon which three or more mobile homes,
43 manufactured homes, or modular homes, or a combination
44 of any of these homes are placed on developed spaces
45 and operated as a for-profit enterprise with water,
46 sewer or septic, and electrical services available.”

47 4. By renumbering as necessary.

Garman of Story offered the following amendment H-5977, to
amendment H-5890, filed by her from the floor and moved its adoption:

H-5977

1 Amend the amendment, H-5890, to House File 2496 as
2 follows:

3 1. Page 1, by striking line 18 and inserting the
4 following:

5 “__ Page 8, by inserting after line 26 the
6 following:

7 “Sec. ____ Section 445.57, Code 1995, is amended
8 to read as follows:

9 445.57 MONTHLY APPORTIONMENT.

10 On or before the tenth day of each month, the
11 county treasurer shall apportion all taxes collected
12 during the preceding month, and those taxes collected
13 before the first Tuesday of the current month if the

14 delinquency date is extended as provided in section
15 445.37, except partial payment amounts collected
16 pursuant to section 445.36A, subsection 1 and section
17 435.24, subsection 6, paragraph "a", among the several
18 funds to which they belong according to the amount
19 levied for each fund, and shall apportion the
20 interest, fees, and costs on the taxes to the general
21 fund, and shall enter those amounts upon the
22 treasurer's cash account, and report the amounts to
23 the county auditor."
24 2. By renumbering as necessary.

Amendment H-5977 was adopted.

On motion by Vande Hoef of Osceola, amendment H-5890, as amended, was adopted.

Vande Hoef of Osceola asked and received unanimous consent to consider amendment H-5910, previously withdrawn, filed by Halvorson of Clayton.

Halvorson of Clayton offered the following amendment H-5910 filed by him and moved its adoption:

H-5910

- 1 Amend House File 2496 as follows:
- 2 1. By striking page 2, line 17, through page 3,
- 3 line 3.
- 4 2. By renumbering and correcting internal
- 5 references as necessary.

Amendment H-5910 was adopted, placing out of order amendment H-5901, previously deferred, filed by Weigel of Chickasaw on April 9, 1996.

Vande Hoef of Osceola offered the following amendment H-5931 filed by him and moved its adoption:

H-5931

- 1 Amend House File 2496 as follows:
- 2 1. Page 8, line 27, by striking the words
- 3 "unnumbered paragraph 1,".
- 4 2. Page 8, line 29, by striking the word "The"
- 5 and inserting the following: "1. The."
- 6 3. Page 9, by striking lines 4 and 5 and
- 7 inserting the following: "of purchase will be issued.
- 8 2. To ensure that the process is fair to all
- 9 bidders, an individual or agent acting on behalf of
- 10 another individual shall not contract with or offer
- 11 anything of value to another individual to place a bid
- 12 on a parcel as provided in subsection 1 for the
- 13 purpose of transferring the certificate of purchase to

14 the contractor or offeror. An individual or agent
 15 acting on behalf of another individual in violation of
 16 this subsection may be disqualified by a county
 17 treasurer from bidding at a tax sale in this state for
 18 three years.
 19 3. The delinquent tax liens transfers with the tax
 20 sale certificate, whether held by the county or
 21 purchased by an individual, through assignment or
 22 direct purchase at the tax sale. The delinquent tax
 23 sale lien expires when the tax sale certificate
 24 expires."

Amendment H-5931 was adopted.

Vande Hoef of Osceola asked and received unanimous consent to withdraw amendment H-5942 filed by him on April 12, 1996.

Vande Hoef of Osceola offered the following amendment H-5959 filed by him and moved its adoption:

H-5959

1 Amend House File 2496 as follows:

2 1. Page 12, by inserting after line 12 the
 3 following:

4 "Sec. ____ NEW SECTION. 509A.14A IOWA INDIVIDUAL
 5 HEALTH BENEFIT REINSURANCE ASSOCIATION - ELECTION NOT
 6 TO PARTICIPATE.

7 A political subdivision of the state or a school
 8 corporation providing health insurance or health
 9 benefits for employees pursuant to section 509A.14 may
 10 elect not to participate in the Iowa individual health
 11 benefit reinsurance association established in section
 12 513C.10 in accordance with and subject to the terms
 13 and conditions adopted by the board of the Iowa
 14 individual health benefit reinsurance association.
 15 Health insurance or health benefits provided by a
 16 political subdivision of the state or school
 17 corporation which elects not to participate in the
 18 Iowa individual health benefit reinsurance association
 19 shall not be considered qualifying existing coverage
 20 or qualifying previous coverage as defined in section
 21 513C.3."

22 2. Title page, line 8, by inserting after the
 23 word "taxes," the following: "by providing for health
 24 insurance and benefits,".

Amendment H-5959 was adopted.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2496)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schultè	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Brand	Dinkla	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2496 and Senate File 2321.**

SENATE AMENDMENT CONSIDERED

Brunkhorst of Bremer called up for consideration **House File 230**, a bill for an act relating to procedural requirements for the enforcement of certain copyrights, and providing for penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-5981:

H-5981

1 Amend House File 230, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 549.1 SHORT TITLE.

6 This chapter may be cited as the "Music Licensing
7 Fees Act".

8 Sec. 2. NEW SECTION. 549.2 DEFINITIONS.

9 As used in this chapter:

10 1. "Copyright owner" means the owner of a
11 copyright of a nondramatic musical work recognized and
12 enforceable under the copyright laws of the United
13 States under 17 U.S.C. § 101 et seq.

14 2. "Performing rights society" means an
15 association or corporation, including an agent or
16 employee of the association or corporation, that
17 licenses the public performance of a nondramatic
18 musical work on behalf of a copyright owner, including
19 the American society of composers, authors and
20 publishers (ASCAP), broadcast music, inc. (BMI), and
21 the society of European stage authors and composers,
22 inc. (SESAC).

23 3. "Proprietor" means the owner of a retail
24 establishment, restaurant, inn, bar, tavern, or any
25 other similar place of business located in this state
26 in which the public may assemble and in which
27 nondramatic musical works may be performed, broadcast,
28 or otherwise transmitted.

29 4. "Royalty" or "royalties" means the license fee
30 or fees payable by a proprietor to a performing rights
31 society for the public performance of a nondramatic
32 musical work.

33 Sec. 3. NEW SECTION. 549.3 LICENSING
34 NEGOTIATIONS.

35 1. A performing rights society shall not enter
36 onto the business premises of a proprietor for the
37 purpose of discussing a contract for the payment of
38 royalties by the proprietor, unless the performing
39 rights society identifies itself to the proprietor and
40 describes to the proprietor the purpose for entering
41 onto the proprietor's business premises.

42 2. A performing rights society shall not enter
43 into, or offer to enter into, a contract for the
44 payment of royalties by a proprietor unless at the
45 time of the offer, or any later time, but not later
46 than seventy-two hours prior to the execution of the
47 contract, the performing rights society provides to
48 the proprietor, in writing, all of the following:

49 a. A schedule of the rates and terms of royalties
50 under the contract.

Page 2

1 b. Upon the request of the proprietor, the
2 opportunity to review the most current available list
3 of the members or affiliates represented by the
4 performing rights society.

5 c. Notice that the performing rights society will
6 make available, upon the written request of a
7 proprietor, at the sole expense of the proprietor, the
8 most current available listing of the copyrighted
9 nondramatic musical or similar works in the performing
10 rights society's repertory, provided that the notice
11 shall specify the means by which the listing can be
12 secured.

13 d. Notice that the performing rights society
14 complies with federal law and orders of courts having
15 appropriate jurisdiction regarding the rates and terms
16 of royalties and the circumstances under which
17 licenses for rights of public performance are offered
18 to any proprietor.

19 Sec. 4. NEW SECTION. 549.4 ROYALTY CONTRACT
20 REQUIREMENTS.

21 A contract for the payment of royalties between a
22 performing rights society and a proprietor executed in
23 this state shall meet all of the following
24 requirements:

25 1. Be in writing.
26 2. Be signed by the parties.
27 3. Include, at a minimum, the following
28 information:

29 a. The proprietor's name and business address and
30 the name and location of each place of business to
31 which the contract applies.

32 b. The name of the performing rights society.

33 c. The duration of the contract.

34 d. The schedule of rates and terms of the
35 royalties to be collected under the contract,
36 including any sliding scale or schedule for any
37 increase or decrease of rates for the duration of the
38 contract.

39 Sec. 5. NEW SECTION. 549.5 IMPROPER LICENSING
40 PRACTICES.

41 A performing rights society shall not collect, or
42 attempt to collect, from a proprietor licensed by that
43 performing rights society, a royalty payment except as
44 provided in a contract executed pursuant to the
45 provisions of this chapter.

46 Sec. 6. NEW SECTION. 549.6 INVESTIGATIONS.

47 This chapter shall not be construed to prohibit a
48 performing rights society from conducting
49 investigations to determine the existence of music use
50 by a proprietor or informing a proprietor of the

Page 3

1 proprietor's obligations under the federal copyright
2 law, 17 U.S.C. § 101 et seq.

3 Sec. 7. NEW SECTION. 549.7 REMEDIES –
4 INJUNCTION.

5 A person who suffers a violation of this chapter
6 may bring an action to recover actual damages and
7 reasonable attorney's fees and to seek an injunction
8 or any other available remedy.

9 Sec. 8. NEW SECTION. 549.8 REMEDIES CUMULATIVE.

10 The rights, remedies, and prohibitions contained in
11 this chapter shall be in addition to and cumulative of
12 any other right, remedy, or prohibition accorded by
13 common law or state or federal law. This chapter
14 shall not be construed to deny, abrogate, or impair
15 any such common law or statutory right, remedy, or
16 prohibition.

17 Sec. 9. NEW SECTION. 549.9 EXCEPTIONS.

18 This chapter shall not apply to a contract between
19 a performing rights society or a copyright owner and a
20 broadcaster licensed by the federal communications
21 commission, or to a contract with a cable operator,
22 programmer, or other transmission service. This
23 chapter shall not apply to a nondramatic musical or
24 similar work performed in synchronization with an
25 audio or visual film or tape. This chapter shall also
26 not apply to the gathering of information to determine
27 compliance with or activities related to the
28 enforcement of section 714.15.”

29 2. Title page, by striking line 2 and inserting
30 the following: “certain copyrights.”.

The motion prevailed and the House concurred in the Senate amend-
ment H-5981.

Brunkhorst of Bremer moved that the bill, as amended by the Senate
and concurred in by the House, be read a last time now and placed upon
its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 230)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg

Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Moreland	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Dinkla	Millage	Myers
Salton	Shoultz		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 230** be immediately messaged to the Senate.

The House stood at ease as 10:02 a.m., until the fall of the gavel.

The House resumed session at 10:31 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

SENATE AMENDMENT CONSIDERED

Gipp of Winneshiek called up for consideration **House File 2497**, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, amended by the Senate amendment H-5976 as follows:

H-5976

- 1 Amend House File 2497, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, lines 1 and 2, by striking the words
- 4 "secretary of the state fair board,".
- 5 2. Page 5, line 12, by inserting after the word

6 "administrator," the following: "secretary of the
7 state fair board,".

8 3. Page 7, by inserting after line 12 the
9 following:

10 "If the funds appropriated to the salary adjustment
11 fund pursuant to this section are insufficient to
12 fully fund the annual salary adjustments, expense
13 reimbursements, and related benefits, an amount
14 sufficient to pay any remaining obligations payable
15 from the salary adjustment fund is appropriated from
16 the general fund of the state to the salary adjustment
17 fund for that purpose."

18 4. Page 8, line 23, by inserting after the word
19 "employees" the following: "and merit supervisory
20 employees".

21 5. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

Gipp of Winneshiek offered the following amendment H-5991, to the Senate amendment H-5976, filed by him from the floor and moved its adoption:

H-5991

- 1 Amend the amendment, H-5976, to House File 2497, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 8 through 17.

Amendment H-5991 was adopted.

On motion by Gipp of Winneshiek, the House concurred in the Senate amendment H-5976, as amended.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2497)

The ayes were, 90:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley

Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 3:

Branstad	Brunkhorst	Fallon
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Absent or not voting, 7:

Baker	Brammer	Dinkla	Disney
Halvorson	Salton	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGE CONSIDERED

Senate File 2370, by committee on commerce, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision.

Read first time and **passed on file**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2497** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 2447**, a bill for an act relating to energy efficiency programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research, previously deferred and placed on the unfinished business calendar.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-5903 filed by Holveck, et. al., on April 9, 1996.

Nutt of Woodbury offered the following amendment H-5984 filed by him from the floor and moved its adoption:

H-5984

1 Amend House File 2447 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 476.1, unnumbered paragraph 7,
5 Code 1995, is amended to read as follows:

6 The jurisdiction of the board under this chapter
7 shall include ~~programs~~ efforts designed to promote the
8 use of energy efficiency strategies by rate or
9 service-regulated gas and electric utilities. ~~These~~
10 ~~programs shall be cost effective. The board may~~
11 ~~initiate these programs as pilot projects to~~
12 ~~accumulate sufficient data to determine if the~~
13 ~~programs meet the requirements of this paragraph.~~

14 Sec. 2. Section 476.1A, subsections 5 and 6, Code
15 1995, are amended to read as follows:

16 5. Assessment of fees for the support of the Iowa
17 energy center created in section 266.39C and the
18 center for global ~~warming~~ and regional environmental
19 research established by the state board of regents.

20 6. Filing energy efficiency plans and energy
21 efficiency results with the board. The energy
22 efficiency plans as a whole shall be cost-effective.
23 The board may permit these utilities to file joint
24 plans.

25 Sec. 3. Section 476.1A, Code 1995, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 7. Encouragement of alternate
28 energy production and the purchase of alternate
29 energy.

30 Sec. 4. Section 476.1A, unnumbered paragraph 2,
31 Code 1995, is amended to read as follows:

32 The board may waive all or part of the energy
33 efficiency filing and review requirements for electric
34 cooperative corporations and associations and electric
35 public utilities which demonstrate superior results
36 with existing energy efficiency ~~programs~~ efforts.

37 Sec. 5. Section 476.1A, unnumbered paragraph 3,
38 Code 1995, is amended to read as follows:

39 However, sections 476.20, 476.21, ~~476.41 through~~
40 ~~476.44, 476.51, 476.56, 476.62, and 476.66~~ and
41 chapters 476A and 478, to the extent applicable, apply
42 to such electric utilities.

43 Sec. 6. Section 476.1B, subsection 1, paragraph g,
44 Code 1995, is amended by striking the paragraph and
45 inserting in lieu thereof the following:

- 46 g. Encouragement of alternate energy production
47 and the purchase of alternate energy.
48 Sec. 7. Section 476.1B, subsection 1, paragraphs k
49 and l, Code 1995, are amended to read as follows:
50 k. Assessment of fees for the support of the Iowa

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1 energy center created in section 266.39C and the
2 ~~global warming center for global and regional~~
3 ~~environmental research~~ created by the state board of
4 regents.

5 1. Filing energy efficiency plans and energy
6 efficiency results with the board. The energy
7 efficiency plans as a whole shall be cost-effective.
8 The board may permit these utilities to file joint
9 plans.

10 Sec. 8. Section 476.1B, subsection 2, Code 1995,
11 is amended to read as follows:

12 2. The board may waive all or part of the energy
13 efficiency filing and review requirements for
14 municipally owned utilities which demonstrate superior
15 results with existing energy efficiency ~~programs~~
16 ~~efforts~~.

17 Sec. 9. Section 476.1C, subsection 1, unnumbered
18 paragraph 2, Code 1995, is amended to read as follows:

19 Gas public utilities having fewer than two thousand
20 customers shall be subject to the assessment of fees
21 for the support of the Iowa energy center created in
22 section 266.39C and the ~~global warming center for~~
23 ~~global and regional environmental research~~ created by
24 the state board of regents and shall file energy
25 efficiency plans and energy efficiency results with
26 the board. The energy efficiency plans as a whole
27 shall be cost-effective. The board may waive all or
28 part of the energy efficiency filing requirements if
29 the gas utility demonstrates superior results with
30 existing energy efficiency ~~programs~~ ~~efforts~~.

31 Sec. 10. Section 476.2, subsections 5, 6, and 7,
32 Code 1995, are amended by striking the subsections and
33 inserting in lieu thereof the following:

34 5. Each rate-regulated gas and electric utility
35 operating within the state shall maintain within the
36 state the utility's principal office for Iowa
37 operations. The principal office shall be subject to
38 the jurisdiction of the board and shall house those
39 books, accounts, papers, and records of the utility
40 deemed necessary by the board to be housed within the
41 state. The utility shall maintain within the state
42 administrative, technical, and operating personnel
43 necessary for the delivery of safe and reasonably
44 adequate services and facilities as required pursuant
45 to section 476.8. A public utility which violates

46 this section shall be subject to the penalties
47 provided in section 476.51 and shall be denied
48 authority to recover, for a period determined by the
49 board, the costs of an energy efficiency plan pursuant
50 to section 476.6, subsection 11.

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1 6. The board shall provide the general assembly
2 with a report on the energy efficiency planning
3 efforts undertaken by utilities required to offer
4 energy efficiency plans pursuant to section 476.6,
5 subsection 17. The report shall be completed by
6 January 1, 1998.

7 Sec. 11. Section 476.6, subsection 17, Code 1995,
8 is amended by striking the subsection and inserting in
9 lieu thereof the following:

10 17. ENERGY EFFICIENCY PLANS. Electric and gas
11 public utilities shall offer energy efficiency
12 programs to their customers through energy efficiency
13 plans. An energy efficiency plan as a whole shall be
14 cost-effective. Energy efficiency programs for
15 qualified low-income persons and for tree planting
16 programs need not be cost-effective and shall not be
17 considered in determining cost-effectiveness of plans
18 as a whole. The energy efficiency programs in the
19 plans may be provided by the utility or by a
20 contractor or agent of the utility.

21 Sec. 12. Section 476.6, subsection 19, paragraphs
22 a through f, Code 1995, are amended by striking the
23 paragraphs and inserting in lieu thereof the
24 following:

25 a. Gas and electric utilities required to be rate-
26 regulated under this chapter shall file energy
27 efficiency plans with the board. An energy efficiency
28 plan and budget shall include a range of programs,
29 tailored to the needs of all customer classes,
30 including residential, commercial, and industrial
31 customers, for energy efficiency opportunities. The
32 plans shall include programs for qualified low-income
33 persons including a cooperative program with any
34 community action agency within the utility's service
35 area to implement countywide or communitywide energy
36 efficiency programs for qualified low-income persons.
37 Rate-regulated gas and electric utilities shall
38 utilize Iowa agencies and Iowa contractors to the
39 maximum extent cost-effective in their energy
40 efficiency plans filed with the board.

41 b. An energy efficiency plan shall assess
42 potential energy and capacity savings available from
43 actual and projected customer usage by applying
44 commercially available technology and improved
45 operating practices to energy-using equipment and

46 buildings. The board shall determine for each
47 utility, specific capacity and energy savings
48 performance standards based on the board's assessment.
49 The energy efficiency plan shall include economically
50 achievable programs designed to attain these potential

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1 energy and capacity performance standards.
2 c. The board shall conduct contested case
3 proceedings for review of energy efficiency plans and
4 budgets filed by gas and electric utilities required
5 to be rate-regulated under this chapter. The board
6 may approve, reject, or modify the plans and budgets.
7 Notwithstanding the provisions of section 17A.19,
8 subsection 5, in an application for judicial review of
9 the board's decision concerning a utility's energy
10 efficiency plan or budget, the reviewing court shall
11 not order a stay. Whenever a request to modify an
12 approved plan or budget is filed subsequently by the
13 office of consumer advocate or a gas or electric
14 utility required to be rate-regulated under this
15 chapter, the board shall promptly initiate a formal
16 proceeding if the board determines that any reasonable
17 ground exists for investigating the request. The
18 formal proceeding may be initiated at any time by the
19 board on its own motion. Implementation of board
20 approved plans or budgets shall be considered
21 continuous in nature and shall be subject to
22 investigation at any time by the board or the office
23 of the consumer advocate.
24 d. Notice to customers of a contested case
25 proceeding for review of energy efficiency plans and
26 budgets shall be in a manner prescribed by the board.
27 e. A gas or electric utility required to be rate-
28 regulated under this chapter may recover, through an
29 automatic adjustment mechanism filed pursuant to
30 subsection 11, over a period not to exceed the term of
31 the plan, the costs of an energy efficiency plan
32 approved by the board, including amounts for a plan
33 approved prior to July 1, 1996, in a contested case
34 proceeding conducted pursuant to paragraph "c". The
35 board shall periodically conduct a contested case
36 proceeding to evaluate the reasonableness and prudence
37 of the utility's implementation of an approved energy
38 efficiency plan and budget. If a utility is not
39 taking all reasonable actions to cost-effectively
40 implement an approved energy efficiency plan, the
41 board shall not allow the utility to recover from
42 customers costs in excess of those costs that would be
43 incurred under reasonable and prudent implementation
44 and shall not allow the utility to recover future
45 costs at a level other than what the board determines

46 to be reasonable and prudent. If the result of a
47 contested case proceeding is a judgment against a
48 utility, that utility's future level of cost recovery
49 shall be reduced by the amount by which the programs
50 were found to be imprudently conducted. The utility

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1 shall not represent energy efficiency in customer
2 billings as a separate cost or expense unless the
3 board otherwise approves.

4 Sec. 13. Section 476.6, Code 1995, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 22. ALTERNATE ENERGY PROMOTIONAL
7 RATES. The board shall require that electric
8 utilities offer to their customers the opportunity to
9 pay, on a voluntary basis, an alternate energy
10 promotional rate. This rate shall exceed the rate for
11 electricity otherwise payable and shall be designed
12 and encouraged by the electric utility to maximize
13 voluntary financial support for alternate energy
14 production. The alternate energy promotional rate
15 shall be filed as a tariff with the board pursuant to
16 section 476.4. Retaining only amounts approved by the
17 board for its administrative and marketing costs, the
18 electric utility shall remit that portion of the
19 electric rate attributable to the alternate energy
20 promotional rate to the state treasurer to be
21 allocated to the general fund of the state.

22 Sec. 14. Section 476.10A, Code 1995, is amended to
23 read as follows:

24 476.10A FUNDING FOR IOWA ENERGY CENTER AND GLOBAL
25 WARMING CENTER FOR GLOBAL AND REGIONAL ENVIRONMENTAL
26 RESEARCH.

27 The board shall direct all gas and electric
28 utilities to remit to the treasurer of state one-tenth
29 of one percent of the total gross operating revenues
30 during the last calendar year derived from their
31 intrastate public utility operations. The board shall
32 by rule provide a schedule for remittances which shall
33 require that the first remittance be made not before
34 July 1, 1991. The amounts collected pursuant to this
35 section shall be in addition to the amounts permitted
36 to be assessed pursuant to section 476.10. The board
37 shall allow inclusion of these amounts in the budgets
38 approved by the board pursuant to section 476.6,
39 subsection 19, paragraph "a". Eighty-five percent of
40 the remittances collected pursuant to this section is
41 appropriated to the Iowa energy center created in
42 section 266.39C. Fifteen percent of the remittances
43 collected pursuant to this section is appropriated to
44 the center for global warming and regional

45 environmental research established by the state board
46 of regents.

47 Notwithstanding section 8.33, any unexpended moneys
48 remitted to the treasurer of state under this section
49 shall be retained for the purposes designated.
50 Notwithstanding section 12C.7, subsection 2, interest

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1 or earnings on investments or time deposits of the
2 moneys remitted under this section shall be retained
3 and used for the purposes designated.

4 The Iowa energy center and the center for global
5 and regional environmental research shall each provide
6 a written annual report to the utilities board which
7 describes each center's activities and the results
8 that each center has accomplished. Each report shall
9 include an explanation of initiatives and projects of
10 importance to the state of Iowa.

11 Sec. 15. Section 476.42, subsection 1, paragraph
12 a, Code 1995, is amended to read as follows:

13 a. A solar, wind turbine, ~~waste management,~~
14 ~~resource methane~~ recovery, ~~refuse-derived fuel,~~
15 agricultural crops or residues, or woodburning
16 facility.

17 Sec. 16. Section 476.42, subsection 3, Code 1995,
18 is amended by striking the subsection.

19 Sec. 17. Section 476.42, subsection 4, paragraph
20 a, Code 1995, is amended to read as follows:

21 a. A hydroelectric facility at a dam located
22 within this state.

23 Sec. 18. Section 476.42, Code 1995, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 5. "Alternate energy" means
26 electricity derived from hydro, solar, wind, methane
27 recovery, agricultural crops or residues, or
28 woodburning energy.

29 Sec. 19. Section 476.43, subsection 1, Code 1995,
30 is amended to read as follows:

31 1. Subject to section 476.44, the board shall
32 require electric utilities to enter into long-term
33 contracts to do the following:

34 a. Purchase or wheel electricity from alternate
35 energy production facilities or small hydro facilities
36 ~~located in the utility's service area~~ under the terms
37 and conditions that the board finds are just and
38 economically reasonable to the electric utilities'
39 ratepayers, are nondiscriminatory to alternate energy
40 producers and small hydro producers and will further
41 the policy stated in section 476.41.

42 b. Provide for the availability of supplemental or
43 backup power to alternate energy production facilities
44 or small hydro facilities on a nondiscriminatory basis

45 and at just and reasonable rates.
46 c. If the parties fail to agree on the terms of a
47 contract required pursuant to this section, a party
48 may request that the board intervene. The board shall
49 have sixty days from the date of the intervention
50 request to render a decision on the contract.

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1 Sec. 20. Section 476.43, subsections 2, 3, and 4,
2 Code 1995, are amended by striking the subsections and
3 inserting in lieu thereof the following:

4 2. The board shall establish a uniform competitive
5 bidding process so that an electric utility shall
6 acquire alternate energy at a just and economically
7 based market rate. An alternate energy contract shall
8 require that the utility pay the competitive bid rate
9 to the facility during the contract term. The
10 kilowatt per hour competitive bid rate shall not be
11 less than the annual average rate of off-peak kilowatt
12 per hour rates and peak kilowatt per hour rates at
13 which an electric utility would have had to purchase
14 the power. An electric utility may produce its own
15 alternate energy by constructing and operating an
16 alternate energy production facility or small hydro
17 facility if the facility is constructed and operated
18 as a separate affiliate entity. However, the electric
19 utility shall participate in the competitive bidding
20 process using a third-party evaluator. A bid from an
21 electric utility producing its own alternate energy
22 shall not take into account regulated industry-based
23 factors including, but not limited to, eminent domain
24 and transmission ownership in order to produce a lower
25 cost bid.

26 3. Notwithstanding section 476.51, an electric
27 utility which fails to comply with the requirements of
28 subsection 1 or which obstructs the policy of this
29 state as stated in section 476.41 shall be subject to
30 a civil penalty, levied by the board, in an amount
31 that is equivalent to three times the total project
32 capital cost of the lowest bid filed with the board to
33 comply with the requirements of subsection 1. Civil
34 penalties collected under this subsection shall be
35 forwarded to the treasurer of state to be credited to
36 the Iowa energy center. Any moneys allocated to the
37 Iowa energy center pursuant to this subsection shall
38 be used solely for providing grants to nonprofit
39 agencies for alternate energy production. These
40 penalties shall be excluded from the electric
41 utility's costs when determining the electric
42 utility's revenue requirement, and shall not be
43 included either directly or indirectly in the electric
44 utility's rates or charges to customers.

45 4. Notwithstanding subsection 2, alternate energy
46 produced by recovery of methane at a sanitary landfill
47 shall be purchased at the rate existing as of January
48 1, 1996.

49 Sec. 21. Section 476.44, subsection 1, Code 1995,
50 is amended by striking the subsection.

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1 Sec. 22. Section 476.44, subsection 2, Code 1995,
2 is amended to read as follows:

3 2. a. An electric utility subject to this
4 division, except a utility which elects rate
5 regulation pursuant to section 476.1A, shall ~~not~~ be
6 required to purchase, ~~at any one time, more than its~~
7 ~~share of one two hundred five ten~~ megawatts of power
8 from alternative energy production facilities or small
9 hydro facilities ~~at the rates in accordance with the~~
10 competitive bidding process established pursuant to
11 section 476.43 and pursuant to timelines established
12 under paragraph "c". For purposes of this section, "
13 "megawatt" shall be determined in accordance with a
14 utility's average capacity. "Average capacity" means
15 a utility's total output over a year divided by the
16 number of hours in the year. The board shall allocate
17 the ~~one two hundred five ten~~ megawatts based upon each
18 utility's percentage of the total Iowa retail peak
19 demand, for the year beginning January 1, 1990, of all
20 utilities subject to this section. If a utility
21 undergoes reorganization as defined in section 476.76,
22 the board shall combine the allocated purchases of
23 power for each utility involved in the reorganization.

24 Notwithstanding the ~~one two hundred five ten~~
25 megawatt maximum, the board may increase the amount of
26 power that a utility is required to purchase ~~at the~~
27 ~~rates established pursuant to section 476.43~~ if the
28 board finds that a utility, including a reorganized
29 utility, exceeds its 1990 Iowa retail peak demand by
30 twenty percent and the additional power the utility is
31 required to purchase will encourage the development of
32 alternate energy production facilities and small hydro
33 facilities. The increase shall not exceed the
34 utility's increase in peak demand multiplied by the
35 ratio of the utility's share of the ~~one two hundred~~
36 ~~five ten~~ megawatt maximum to its 1990 Iowa retail peak
37 demand.

38 b. Of that portion of alternate energy required to
39 be purchased by a utility under this section, eighty-
40 five percent shall be purchased from alternate energy
41 production facilities or small hydro facilities
42 generating electricity with current and viable
43 technologies and fifteen percent shall be purchased
44 from alternate energy production facilities generating

45 electricity from new technologies. The board shall
46 provide for a minimum of thirty percent of the eighty-
47 five percent required purchase of alternate energy
48 under this paragraph to be purchased from small hydro
49 facilities. Of the eighty-five percent, thirty
50 percent shall be purchased in accordance with the

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1 following:

2 (1) At least ten percent shall be from dedicated
3 energy crops grown within the state, fifty percent of
4 which shall be from projects of five hundred kilowatts
5 or less.

6 (2) At least ten percent shall be from
7 agricultural wastes produced from agricultural crops
8 grown within the state, fifty percent of which shall
9 be from projects of five hundred kilowatts or less.

10 (3) At least ten percent shall be from small scale
11 wind generation projects located within the state of
12 two hundred fifty kilowatts or less.

13 c. By December 31, 1997, the board shall require
14 an electric utility to enter into contracts for the
15 purchase of the utility's allotted share of eighty-
16 nine megawatts of electricity generated from alternate
17 energy production facilities, and by July 1, 1999, the
18 board shall require the utility to enter into
19 contracts for the purchase of the utility's allotted
20 share of an additional one hundred five megawatts.
21 For purposes of this section, new technologies include
22 only those technologies that use nonfossil fuel to
23 derive renewable energy.

24 Sec. 23. Section 476.78, Code 1995, is amended to
25 read as follows:

26 476.78 CROSS-SUBSIDIZATION PROHIBITED.

27 A rate-regulated gas or electric public utility
28 shall not directly or indirectly include any costs or
29 expenses attributable to providing nonutility service
30 in regulated rates or charges. Except for contracts
31 existing as of July 1, 1996, a rate-regulated gas or
32 electric public utility or its affiliates shall not
33 use vehicles, service tools and instruments, or
34 employees, the costs, salaries, or benefits of which
35 are recoverable in the regulated rates for electric
36 service or gas service to install, service, or repair
37 residential or commercial gas or electric heating,
38 ventilating, or air conditioning systems, or interior
39 lighting systems and fixtures; or to sell at retail
40 heating, ventilating, air conditioning, or interior
41 lighting equipment. For the purpose of this section,
42 "commercial" means a place of business primarily used
43 for the storage or sale, at wholesale or retail, of
44 goods, wares, services, or merchandise. Nothing in

45 this section shall be construed to prohibit a rate-
46 regulated gas or electric public utility from using
47 its utility vehicles, service tools and instruments,
48 and employees to market systems, services, and
49 equipment, to light pilots, or to eliminate a customer
50 emergency or threat to public safety.

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1 Sec. 24. Section 476.83, Code 1995, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 476.83 COMPLAINTS.

5 Any person may file a written complaint with the
6 board requesting that the board determine compliance
7 by a rate-regulated gas or electric public utility
8 with the provisions of section 476.78, 476.79, or
9 476.80, or any validly adopted rules to implement
10 these sections. Upon the filing of a complaint, the
11 board may promptly initiate a formal complaint
12 proceeding and give notice of the proceeding and the
13 opportunity for hearing. The formal complaint
14 proceeding may be initiated at any time by the board
15 on its own motion. The board shall render a decision
16 in the proceeding within ninety days after the date
17 the written complaint was filed, unless additional
18 time is requested by the complainant.

19 Sec. 25. Section 476A.6, subsections 4 and 5, Code
20 1995, are amended by striking the subsections and
21 inserting in lieu thereof the following:

22 4. The applicant, if a public utility as defined
23 in section 476.1, has in effect an energy efficiency
24 plan designed to reduce peak loads and to increase
25 efficiency of use of energy, and the facility in the
26 application is necessary notwithstanding the existence
27 of the energy efficiency plan. As used in this
28 subsection, "energy efficiency plan" includes at a
29 minimum, cost-effective energy efficiency services and
30 programs, including cost-effective load management and
31 interruptible service programs.

32 5. The applicant, if a public utility as defined
33 in section 476.1, shall demonstrate to the board that
34 the utility has considered sources for long-term
35 electric supply from either purchase of electricity or
36 investment in facilities owned by other persons,
37 including consideration of the following:

38 a. Wheeling agreements and other energy or
39 capacity-sharing agreements, where cost-effective,
40 with other sources that have available energy or
41 capacity.

42 b. Establishment of renewable energy programs or
43 purchase of electricity from renewable energy
44 suppliers.

45 Sec. 26. Section 476.65, Code 1995, is repealed.
46 Sec. 27. APPLICABILITY TO EXISTING CONTRACTS. The
47 provisions of this Act relating to alternate energy
48 shall not affect the terms and conditions of any
49 contract between an alternate energy production
50 facility or small hydro facility and an electric

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1 utility that was entered into pursuant to sections
2 476.43 and 476.44 for purchase of alternate energy if
3 the contract was entered into prior to the effective
4 date of this Act. In addition, this Act shall not
5 affect potential contracts between alternate energy
6 production facilities and electric utilities if a
7 petition relating to the potential contracts has been
8 filed by January 1, 1996, and an action is currently
9 pending before the Iowa utilities board. For purposes
10 of the pending actions, the Iowa utilities board shall
11 not take into account the changes contained in this
12 Act.

13 Sec. 28. It is the intent of the general assembly
14 that persons who have proceeded in good faith under
15 the terms and conditions of sections 476.43 and
16 476.44, prior to their amendment by this Act, not
17 suffer economic loss as a result of this Act. These
18 persons shall be reimbursed by the utilities for their
19 reasonable good faith development costs as determined
20 by the Iowa utilities board.

21 Sec. 29. Section 10 of this Act, being deemed of
22 immediate importance, takes effect upon enactment."

23 2. Title page, by striking lines 1 through 4 and
24 inserting the following: "An Act relating to energy
25 efficiency and alternate energy programs, electric and
26 gas public utility energy efficiency mandates, and the
27 Iowa energy center and the center for global and
28 regional environmental research and requiring the
29 location of a principal office within the state and
30 providing an effective date and providing an
31 applicability provision."

Amendment H-5984 was adopted.

With the adoption of amendment H-5984, the following amend-
ments were out of order:

H-5227 filed by Nelson of Pottawattamie and Fallon on March 6,
1996.

H-5332 filed by Shoultz of Black Hawk, et. al., on March 12, 1996.

H-5333 filed by Shoultz of Black Hawk, et. al., on March 12, 1996.

H-5334 filed by Shoultz of Black Hawk, et. al., on March 12, 1996.

H-5335 filed by Mascher of Johnson, et. al., on March 12, 1996.

- H-5342 filed by Weigel of Chickasaw, et. al., on March 12, 1996.
H-5345 filed by Metcalf of Polk, et. al., on March 12, 1996.
H-5357 filed by Holveck of Polk, et. al., on March 12, 1996.
H-5365 filed by Fallon of Polk on March 12, 1996.
H-5394 filed by Witt of Black Hawk on March 13, 1996.
H-5397 filed by Burnett of Story, et. al., on March 13, 1996.
H-5405 filed by Witt of Black Hawk, et. al., on March 14, 1996.
H-5406 filed by Witt of Black Hawk, et. al., on March 14, 1996.
H-5413 filed by Holveck of Polk, et. al., on March 14, 1996.
H-5414 filed by Holveck of Polk, et. al., on March 14, 1996.
H-5415 filed by Bernau of Story and Burnett on March 14, 1996.
H-5418 filed by Fallon of Polk on March 14, 1996.
H-5424 filed by Nutt of Woodbury on March 18, 1996.
H-5425 filed by Nutt of Woodbury, et. al., on March 18, 1996.
H-5483 filed by Nutt of Woodbury, et. al., on March 20, 1996.
H-5524 filed by Vande Hoef of Osceola on March 25, 1996.
H-5568 filed by Weigel of Chickasaw on March 25, 1996.
H-5966 filed by Shoultz of Black Hawk, et: al., on April 16, 1996.
H-5968 filed by Vande Hoef, et. al., on April 16, 1996.
H-5969 filed by Mascher of Johnson, et al., on April 16, 1996.
H-5970 filed by Vande Hoef of Osceola on, et. al., on April 16, 1996.
H-5971 filed by Vande Hoef of Osceola on, et. al., on April 16, 1996.
1996.
H-5972 filed by Mascher of Johnson, et. al., on April 16, 1996.
H-5973 filed by Vande Hoef of Osceola on April 16, 1996.
H-5975 filed by Thomson of Linn, et. al., on April 16, 1996.

SENATE FILE 2370 SUBSTITUTED FOR HOUSE FILE 2447

Nutt of Woodbury asked and received unanimous consent to substitute Senate File 2370 for House File 2447.

Senate File 2370, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2370** be deferred and placed on the **unfinished business calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story, until his return, on request of Burnett of Story.

Regular Calendar

House File 2499, a bill for an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property, with report of committee recommending passage, was taken up for consideration.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2499)

The ayes were, 95:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Bernau	Brammer	Dinkla	Salton
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2499** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:13 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House resumed session at 1:20 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

INTRODUCTION OF BILL

House File 2500, by committee on ways and means, a bill for an act providing for the modification or termination of certain testamentary trusts by the court.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1996, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 110, a concurrent resolution requesting the State Department of Transportation to establish a scenic route designation.

Also: That the Senate has on April 17, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2168, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

Also: That the Senate has on April 17, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2207, a bill for an act relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses.

Also: That the Senate has on April 17, 1996, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2298, a bill for an act relating to the awarding of costs to a prevailing taxpayer in a proceeding against the department of revenue and finance under the state tax procedures and practices Act and providing an effective date.

Also: That the Senate has on April 17, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2301, a bill for an act relating to lead abatement and inspection, training and certification requirements, and providing penalties.

Also: That the Senate has on April 17, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 124, a concurrent resolution honoring Ms. Jorie Graham, the 1996 Pulitzer Prize winner in the field of poetry.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2289**, a bill for an act relating to the department of corrections, including operating while intoxicated violator facilities, reimbursement by parole violators, tort claims protection for certain persons, and inmate accounts, previously deferred and placed on the unfinished business calendar.

Harrison of Scott offered amendment H-5990 filed by him from the floor as follows:

H-5990

- 1 Amend Senate File 2289, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 25.
- 4 2. Page 1, by inserting before line 26 the
- 5 following:
- 6 "Sec. ____ Section 602.8107, subsection 2,
- 7 paragraph d, Code Supplement 1995, is amended to read
- 8 as follows:
- 9 d. Court costs including correctional fees
- 10 assessed pursuant to section 904.108, court-appointed
- 11 attorney fees, or public defender expenses.
- 12 Sec. ____ Section 904.108, Code 1995, is amended
- 13 by adding the following new subsection:
- 14 **NEW SUBSECTION. 7. a.** The director may charge an
- 15 inmate a correctional fee for custodial expenses
- 16 incurred or which may be incurred while the inmate is
- 17 in the custody of the department. The custodial
- 18 expenses may include, but are not limited to, board
- 19 and room, medical and dental fees, education costs,
- 20 clothing costs, and the costs of supervision,
- 21 services, and treatment provided to the inmate. The
- 22 correctional fee shall not exceed the actual cost of

23 keeping the inmate in custody. The correctional fees
 24 shall be assessed as court costs and any correctional
 25 fees collected pursuant to this subsection shall be
 26 credited to the general fund of the state. The
 27 correctional fees shall be collected as other court
 28 costs pursuant to section 602.8107.

29 b. The director or the attorney general, on behalf
 30 of the director, may file a correctional fee for
 31 custodial services lien with the clerk of the district
 32 court which shall include all of the following
 33 information, if known:

34 (1) The name and date of birth of the person whose
 35 property or other interests are subject to the lien.

36 (2) The present address of the residence and
 37 principal place of business of the person named in the
 38 lien.

39 (3) The criminal proceeding pursuant to which the
 40 lien is filed, including the name of the court, the
 41 title of the action, and the court's file number.

42 (4) The name of the director or the name of the
 43 attorney general.

44 (5) A statement that the notice is being filed
 45 pursuant to this section.

46 (6) The amount of the correctional fee for
 47 custodial services the person has been ordered to pay
 48 or is likely to be ordered to pay.

49 c. The filing of a correctional fee for custodial
 50 services lien in accordance with this section creates

Page 2

1 a lien in favor of the state in any personal or real
 2 property identified in the lien to the extent of the
 3 interest held in that property by the person named in
 4 the lien.

5 d. This subsection does not limit the right of the
 6 director to obtain any other remedy authorized by
 7 law."

8 3. Title page, lines 3 and 4, by striking the
 9 words "tort claims protection for certain persons,".

10 4. Title page, line 4, by inserting before the
 11 word "and" the following: "the payment of
 12 correctional fees by inmates and providing for the
 13 creation and filing of a correctional fee lien,".

14 5. By renumbering as necessary.

Schrader of Marion rose on a point of order that amendment H-5990 was not germane.

The Speaker ruled the point well taken and amendment H-5990 not germane.

Harrison of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2289)

The ayes were, 93:

Baker	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst.	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Main	Martin
Mascher	May	McCoy	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Arnold	Bernau	Brammer	Dinkla
Lord	Mertz	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2289** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2312, a bill for an act relating to the administration of taxes, electronic filing of tax returns and payments, imposition of the penalty for willfully filing a false claim for refund, low income, elderly, and disabled property tax credit filing and certification dates, computation of the real estate transfer tax, repeal of obsolete property tax provision, and providing effective and retroactive applicability dates, was taken up for consideration.

Halvorson of Clayton offered the following amendment H-5900 filed by him and moved its adoption:

H-5900

- 1 Amend House File 2312 as follows:
- 2 1. Page 1, line 7, by striking the words
- 3 "providing that" and inserting the following:
- 4 "allowing for".
- 5 2. Page 1, line 8, by striking the words "be
- 6 made".
- 7 3. Page 4, line 11, by inserting before the word
- 8 "home" the following: "mobile".

Amendment H-5900 was adopted.

SENATE FILE 2455 SUBSTITUTED FOR HOUSE FILE 2312

Halvorson of Clayton asked and received unanimous consent to substitute Senate File 2455 for House File 2312.

Senate File 2455, a bill for an act relating to the administration of taxes; electronic filing of tax returns and payments; imposition of the penalty for willfully filing a false claim for refund; low income, elderly, and disabled property tax credit filing and certification dates; computation of the real estate transfer tax; repeal of obsolete property tax provision; and providing effective and retroactive applicability dates, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2455)

The ayes were, 93:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Main	Martin	Mascher

May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Bernau	Bradley	Brammer	Dinkla
Grubbs	Lord	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2312 WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to withdraw House File 2312 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2455** be immediately messaged to the Senate.

The House stood at ease at 2:10 p.m., until the fall of the gavel.

The House resumed session at 3:55 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for immediate consideration of **Senate File 2467**.

Ways and Means Calendar

Senate File 2467, a bill for an act increasing the nonpublic school tax credit and eliminating the nonpublic school tax deduction for amounts paid for tuition and textbooks for nonpublic elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Warnstadt of Woodbury offered the following amendment H-5944 filed by Warnstadt, et. al., and moved its adoption:

H-5944

- 1 Amend Senate File 2467, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "Sec. ____ Section 422.12, subsection 1, Code
- 6 Supplement 1995, is amended by adding the following
- 7 new paragraph:
- 8 NEW PARAGRAPH. f. For each dependent attending a
- 9 public elementary or secondary school in this state,
- 10 the first twenty dollars of any fees charged for
- 11 textbooks to be used by the dependent."
- 12 2. Title page, line 1, by inserting after the
- 13 word "Act" the following: "providing a public school
- 14 tax credit for fees charged for textbooks,".

A non-record roll call was requested.

The ayes were 22, nays 51.

Amendment H-5944 lost.

Shoultz of Black Hawk offered the following amendment H-5988 filed by Shoultz, Ollie and Bernau from the floor and moved its adoption:

H-5988

- 1 Amend Senate File 2467, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word "ten" and
- 4 inserting the following: "thirty".
- 5 2. Page 1, by striking lines 27 through 33 and
- 6 inserting the following: "under this subsection. The
- 7 credit in this subsection does not apply to a taxpayer
- 8 whose net income, as properly computed for state tax
- 9 purposes, is forty-five thousand dollars or more. In
- 10 the case where the taxpayer is married, whether filing
- 11 jointly or separately, the credit does not apply if
- 12 the combined net income of the taxpayer and spouse is
- 13 forty-five thousand dollars or more. The department,
- 14 when conducting an".

Roll call was requested by Shoultz of Black Hawk and Lamberti of Polk.

On the question "Shall amendment H-5988 be adopted?" (S.F. 2467)

The ayes were, 30:

Bell
Cohon

Bernau
Connors

Brand
Doderer

Burnett
Fallon

Harper	Holveck	Hurley	Jochum
Kreiman	Larkin	Main	Mascher
May	Metcalf	Moreland	Myers
Nelson, L.	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 62:

Arnold	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Disney	Drake
Drees	Ertl	Garman	Gipp
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammit Barry	Hanson	Harrison
Heaton	Houser	Huseman	Jacobs
Klemme	Koenigs	Kremer	Lamberti
Larson	Lord	Martin	McCoy
Mertz	Meyer	Millage	Mundie
Murphy	Nelson, B.	Nutt	O'Brien
Rants	Renken	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 8:

Baker	Blodgett	Brammer	Dinkla
Eddie	Greig	Grundberg	Salton

Amendment H-5988 lost.

Bernau of Story offered the following amendment H-5982 filed by him from the floor and moved its adoption:

H-5982

- 1 Amend Senate File 2467, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 21 through 24 and
- 4 inserting the following: "doctrines, or worship, and
- 5 ~~does not include books or materials for~~
- 6 ~~extracurricular activities including sporting events,~~
- 7 ~~musical or dramatic events, speech activities,~~
- 8 ~~driver's education, or programs of a similar nature.~~
- 9 Notwithstanding".

A non-record roll call was requested.

The ayes were 20, nays 58.

Amendment H-5982 lost.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-5993, filed by him from the floor.

Bernau of Story offered the following amendment H-5983 filed by him from the floor and moved its adoption:

H-5983

- 1 Amend Senate File 2467, as passed by the Senate, as
- 2 follows:
- 3 1. Title page, line 1, by striking the word
- 4 "nonpublic".
- 5 2. Title page, line 2, by striking the word
- 6 "nonpublic".
- 7 3. Title page, line 3, by striking the word
- 8 "nonpublic".

Amendment H-5983 lost.

Grubbs of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2467)

The ayes were, 73:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Disney
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	May	McCoy	Mertz
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nutt	O'Brien
Osterhaus	Rants	Renken	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Witt
Van Maanen, Presiding			

The nays were, 23:

Bell	Bernau	Brand	Burnett
Cphoon	Connors	Doderer	Fallon
Greig	Grundberg	Harper	Jacobs
Martin	Mascher	Metcalf	Moreland
Nelson, L.	Ollie	Schrader	Shoultz
Taylor	Warnstadt	Wise	

Absent or not voting, 4:

Baker	Brammer	Dinkla	Salton
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The bill having received a constitutional majority was declared to have passed the House.

Pursuant to Article III, Section 29, Constitution of State of Iowa, Bernau of Story rose on a point of order and objected to the title of Senate File 2467.

The Speaker ruled the point not well taken and the title agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2467** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1996, adopted the conference committee report and passed Senate File 2154, a bill for an act increasing the penalties for certain offenses involving methamphetamine.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE REPORTS FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee reports on the following bills have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Senate File 2154, a bill for an act increasing the penalties for certain offenses involving methamphetamine.

ON THE PART OF THE HOUSE

KEN VEENSTRA, Chair
BRIAN COON
DAN BODDICKER
MICHAEL MORELAND
ROBERT J. OSTERHAUS

ON THE PART OF THE SENATE

TONY BISIGNANO, Chair
RANDAL J. GIANNETTO
MARY NEUHAUSER
O. GENE MADDOX
LYLE E. ZIEMAN

Senate File 2449, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions.

ON THE PART OF THE HOUSE

ROGER HALVORSON, Chair
 BILL BERNAU
 JOHN GREIG
 CHUCK LARSON
 RICHARD MYERS

ON THE PART OF THE SENATE

WILLIAM D. PALMER, Chair
 WAYNE BENNETT
 MARY LOU FREEMAN
 EMIL J. HUSAK
 TOM VILSACK

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Six seventh and eighth grade students from Johnston Middle School, Johnston, accompanied by Connie Skow and Kaye Smock. By Churchill of Polk.

Four sixth and seventh grade students from Grinnell, accompanied by Joy Carroll. By Carroll of Poweshiek.

Eight high school students from Albia High School, Albia, accompanied by Diana White. By Kreiman of Davis.

Ten National Honor Society students from Central Decatur High School, Leon, accompanied by Evonne Kouba and Connie Richard. By Daggett of Union.

Twenty-five eighth grade students from MFL-Mar Mac Middle School, McGregor, accompanied by Mr. Elliott, Mr. Whitney, Mr. Krambeer and Mrs. Schlein. By Halvorson of Clayton.

Thirty-seven fourth and fifth grade students from Amana-Clear Creek, Middle Amana, accompanied by Beverly Stolfus. By Tyrrell of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\498 Stacy Demro, Nashua-Plainfield High School – For being named Family and Consumer Sciences Student of the Year for the State of Iowa.
- 1996\499 Urbandale Schools “Odyssey of the Mind” Team, Urbandale – For winning the State Championship in the High School Division of the Odyssey of the Mind Competition and qualifying to represent the State of Iowa in the International Odyssey of the Mind Competition.
- 1996\500 North High Jazz 1 Band, Sioux City – For receiving 2nd place in the Class 4A High School Jazz Band Championship.
- 1996\501 Wilma and Mike Boland, Davenport – For celebrating their Sixtieth wedding anniversary.
- 1996\502 Dorothy and Ferdinand Bald, Buffalo – For celebrating their Fiftieth wedding anniversary.
- 1996\503 Marvella and Ted Haas, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\504 Otie and Gale Saunders, Blue Grass – For celebrating their Fiftieth wedding anniversary.
- 1996\505 Lucille Zesiger, Davenport – For celebrating her Eighty-fifth birthday.

RESOLUTIONS FILED

HCR 128, by Welter, Garman, Heaton, Jacobs, Larkin, Myers, Schulte and Vande Hoef, a concurrent resolution honoring the seventy-fifth anniversary of the Division of Criminal Investigation of the Iowa Department of Public Safety.

Laid over under **Rule 25**.

HR 107, by Mascher, Myers and Doderer, a resolution honoring University of Iowa graduate and faculty member Ms. Jorie Graham for winning the 1996 Pulitzer Prize for poetry and for bringing renown to the University of Iowa Writers' Workshop and to Iowa City.

Laid over under **Rule 25**.

HR 108, by Mascher, a resolution urging that the United States Senate ratify the Convention on the Rights of the Child.

Laid over under **Rule 25**.

HR 109, by Fallon, Hurley, Witt, Hammitt Barry, O'Brien, Coon, Jochum, Lord, Holveck, Kremer, Burnett, Houser, Harper, Jacobs, Nelson of Marshall, Van Fossen, Shoultz, Sukup, Boddicker, Schulte, Connors, Garman, Bernau, Brand, Tyrrell, Main, Mascher, Huseman, Kreiman, Brunkhorst, Welter, Mertz, May, Boggess, Thomson, Larkin, Mundie, Nutt, Larson, Daggett, Osterhaus, Heaton, Grundberg, Carroll, Churchill, Nelson of Pottawattamie, Ertl, Veenstra, Branstad, Eddie, Metcalf, Lamberti, Harrison, Disney, Martin, Vande Hoef, Brauns, Hanson, Rants, Klemme, Grubbs, Blodgett and Gries, a resolution relating to the adverse effects of excessive television viewing and supporting National TV-Turnoff Week.

Laid over under **Rule 25**.

SCR 124, by committee on education, a concurrent resolution honoring Ms. Jorie Graham, the 1996 Pulitzer Prize winner in the field of poetry.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5978	S.F.	2365	Weigel of Chickasaw
H-5979	S.F.	2370	Mascher of Johnson
			Shoultz of Black Hawk
			Holveck of Polk
H-5980	S.F.	2370	Weigel of Chickasaw
H-5985	S.F.	2370	Shoultz of Black Hawk
			Mascher of Johnson
			Holveck of Polk
			Witt of Black Hawk
H-5986	S.F.	2370	Shoultz of Black Hawk
			Burnett of Story
			Holveck of Polk
			Witt of Black Hawk
H-5987	S.F.	2370	Shoultz of Black Hawk
			Mascher of Johnson
			Holveck of Polk
			Witt of Black Hawk
H-5989	H.F.	2458	Coon of Warren
			Kreiman of Davis

H-5992	H.F.	2490	Weigel of Chickasaw
H-5994	H.C.R.	110	Senate Amendment
H-5995	S.F.	2245	Sukup of Franklin
			Meyer of Sac
			Grundberg of Polk
			Boddicker of Cedar
			Metcalf of Polk
H-5996	S.F.	2370	Halvorson of Clayton
			Murphy of Dubuque
			Mundie of Webster
			Weidman of Cass
H-5997	S.F.	2370	Witt of Black Hawk
			Holveck of Polk
			Klemme of Plymouth
H-5998	S.F.	2370	Witt of Black Hawk
			Holveck of Polk
			Klemme of Plymouth
H-5999	S.F.	2370	Burnett of Story
			Bernau of Story
			Mascher of Johnson
H-6000	S.F.	2370	Witt of Black Hawk
			Burnett of Story
			Mascher of Johnson
H-6001	S.F.	2370	Bernau of Story
			Burnett of Story
H-6002	S.F.	2370	Fallon of Polk
H-6003	S.F.	2370	Mascher of Johnson
			Shoultz of Black Hawk
			Witt of Black Hawk
H-6004	S.F.	2370	Fallon of Polk
H-6005	S.F.	2370	Mascher of Johnson
			Burnett of Story
			Shoultz of Black Hawk
			Vande Hoef of Osceola
H-6006	S.F.	2370	Witt of Black Hawk
			Vande Hoef of Osceola
			Burnett of Story
			Fallon of Polk
H-6007	S.F.	2370	Huseman of Cherokee
			Holveck of Polk
			Mascher of Johnson
			Witt of Black Hawk
H-6008	S.F.	2370	Vande Hoef of Osceola
			Holveck of Polk
			Burnett of Story
			Mascher of Johnson
			Shoultz of Black Hawk
			Witt of Black Hawk

H-6009	S.F.	2370	Vande Hoef of Osceola Burnett of Story Eddie of Buena Vista Huseman of Cherokee
			Witt of Black Hawk Mascher of Johnson Klemme of Plymouth Veenstra of Sioux
H-6010	S.F.	2370	Vande Hoef of Osceola Burnett of Story Holveck of Polk
			Witt of Black Hawk Mascher of Johnson Shoultz of Black Hawk
H-6011	S.F.	2370	Holveck of Polk Shoultz of Black Hawk Vande Hoef of Osceola
			Bernau of Story Klemme of Plymouth
H-6012	S.F.	2370	Holveck of Polk Shoultz of Black Hawk Burnett of Story
			Doderer of Johnson Mascher of Johnson
H-6013	S.F.	2370	Holveck of Polk
H-6014	S.F.	2370	Holveck of Polk Burnett of Story
			Shoultz of Black Hawk Witt of Black Hawk
H-6015	S.F.	2370	Holveck of Polk Vande Hoef of Osceola Bernau of Story
			Witt of Black Hawk Burnett of Story
H-6016	S.F.	2370	Holveck of Polk Mascher of Johnson Burnett of Story
			Shoultz of Black Hawk Vande Hoef of Osceola
H-6017	S.F.	2370	Witt of Black Hawk Vande Hoef of Osceola Shoultz of Black Hawk
			Burnett of Story Mascher of Johnson Holveck of Polk
H-6018	S.F.	2370	Nutt of Woodbury Schulte of Linn Disney of Polk Bradley of Clinton Halvorson of Clayton Lamberti of Polk Branstad of Winnebago Cataldo of Polk May of Worth Nelson of Pottawattamie
			Van Fossen of Scott Renken of Grundy Drake of Pottawattamie Meyer of Sac Metcalf of Polk Mertz of Kossuth McCoy of Polk Baker of Polk Wise of Lee
H-6019	S.F.	2370	Vande Hoef of Osceola Burnett of Story Shoultz of Black Hawk
			Holveck of Polk Mascher of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 6:37 p.m., until 8:45 a.m., Thursday, April 18, 1996.

JOURNAL OF THE HOUSE

One Hundred-second Calendar Day – Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 18, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Carl Huess, Christian Reformed Church, Des Moines.

The Journal of Wednesday, April 17, 1996 was approved, as corrected.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larson of Linn, Dinkla of Guthrie, and Ertl of Dubuque, all until their return, on request of Gipp of Winneshiek; Brand of Benton, on request of Bernau of Story and Grubbs of Scott, on request of Gipp of Winneshiek, both until their arrival.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(Senate File 2154)

Veenstra of Sioux called up for consideration the report of the conference committee on Senate File 2154 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2154

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2154, a bill for An Act increasing the penalties for certain offenses involving methamphetamine, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5878.
2. That the House recedes from its amendment, S-5614.
3. That Senate File 2154, as amended, passed and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

“Section 1. Section 124.401, subsection 1, paragraph a, subparagraph (2), subparagraph subdivision (d), Code 1995, is amended to read as follows:

(d) Methamphetamine, its salts, isomers, or salts of isomers.

(e) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph subdivisions (a) through (e) (d).

Sec. 2. Section 124.401, subsection 1, paragraph b, Code 1995, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) More than five grams but not more than five kilograms of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

Sec. 3. Section 124.401, subsection 1, paragraph c, Code 1995, is amended by adding the following new subparagraph (6) and renumbering the subsequent subparagraph:

NEW SUBPARAGRAPH. (6) Five grams or less of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

Sec. 4. Section 124.401, Code 1995, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. It is unlawful for any person to sell, distribute, or make available any product containing ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine, if the person knows, or should know, that the product may be used as a precursor to any illegal substance or an intermediary to any controlled substance. A person who violates this subsection commits a serious misdemeanor.

NEW SUBSECTION. 2B. It is unlawful for any person to possess any product containing ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine, with the intent to use the product as a precursor to any illegal substance or an intermediary to any controlled substance. A person who violates this subsection commits a class "D" felony.

Sec. 5. Section 124.401A, Code 1995, is amended to read as follows:

124.401A ENHANCED PENALTY FOR DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully distributes or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, II, or III, to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, ~~or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, may, at the judge's discretion,~~ be sentenced up to an additional term of confinement of five years.

Sec. 6. Section 124.401B, Code 1995, is amended to read as follows:

124.401B POSSESSION OF CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY – ADDITIONAL PENALTY.¹

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, ~~or in or on the real property comprising a public park, public swimming pool, public recreation center,~~ or on a marked school bus, may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.

Sec. 7. Section 232.22, subsection 1, paragraph e, subparagraph (3), Code Supplement 1995, is amended to read as follows:

(3) A mixture or substance containing methamphetamine, its salts, isomers, ~~and or~~ salts of isomers, ~~or analogs of methamphetamine,~~ and if the act was committed by an adult, it would be a violation of section 124.401, subsection 1, ~~paragraph "e", subparagraph (6).~~

Sec. 8. EPHEDRINE STUDY. The board of pharmacy examiners and the department of public safety shall conduct a study of uses not approved by the United States food and drug administration, and uses as a precursor in the production of illegal substances, of ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine. The study shall include a review of regulations in other states relating to, but not limited to, inappropriate or illegal uses of ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine. The secretary of the board of pharmacy examiners and the commissioner of public safety shall report the findings and recommendations of the study to the general assembly on or before January 2, 1997."

2. Title page, line 1, by inserting after the word "Act" the following: "relating to certain drug offenses and penalties by".

3. Title page, line 2, by inserting after the word "methamphetamine" the following: ", creating new offenses involving ephedrine, and expanding the types of real property within one thousand feet of which a person who unlawfully possesses a substance is subject to an increased penalty".

ON THE PART OF THE HOUSE

KEN VEENSTRA, Chair
BRIAN COON
DAN BODDICKER
MICHAEL MORELAND
ROBERT J. OSTERHAUS

ON THE PART OF THE SENATE

TONY BISIGNANO, Chair
RANDAL J. GIANNETTO
MARY NEUHAUSER
O. GENE MADDOX
LYLE E. ZIEMAN

The motion prevailed and the report was adopted.

Veenstra of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2154)

The ayes were, 87:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Burnett	Carroll	Cataldo
Cohoon	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 13:

Baker	Brammer	Brand	Brunkhorst
Churchill	Connors	Dinkla	Drees
Ertl	Grubbs	Larson	Nutt
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that Senate File 2154 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Tyrrell of Iowa called up for consideration House Concurrent Resolution 110, a concurrent resolution requesting the State Department

of Transportation to establish a scenic route designation, amended by the following Senate amendment H-5994, and moved its adoption:

H-5994

- 1 Amend House Concurrent Resolution 110 as follows:
- 2 1. By striking page 1, line 29, through page 2,
- 3 line 1, and inserting the following:
- 4 "Whereas, the route from the Marshall-Hardin County
- 5 line along the Iowa River Valley to Iowa City, through
- 6 Liscomb, Albion, Marshalltown, Quarry, LeGrand,
- 7 Montour, Toledo, Tama, Chelsea, Belle Plaine, Marengo,
- 8 the Amana".
- 9 2. Page 2, line 6, by inserting after the word
- 10 "Park," the following: "the scenic area of Mormon
- 11 Ridge and Three Bridges County Park in Marshall
- 12 County,".
- 13 3. Page 2, by striking lines 17 and 18 and
- 14 inserting the following: "from the Marshall-Hardin
- 15 County line along the Iowa River Valley to Iowa City,
- 16 through Liscomb, Albion, Marshalltown, Quarry,
- 17 LeGrand, Montour, Toledo, Tama, Chelsea, Belle".

The motion prevailed and the House concurred in the Senate amendment H-5994.

On motion by Tyrrell of Iowa, the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 110** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 125

Meyer of Sac called up for consideration of House Concurrent Resolution 125, a concurrent resolution to urge the federal government to ensure fair and competitive market practices for the purchase of livestock from producers by packers and livestock buyers, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 125** be immediately messaged to the Senate.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for immediate consideration of Senate File 2366.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2366**, a bill for an act relating to lease-purchase agreements, previously deferred and placed on the unfinished business calendar.

Bradley of Clinton offered the following amendment H-5915 filed by him and moved its adoption:

H-5915

- 1 Amend Senate File 2366, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 2,
- 4 line 14.
- 5 2. Page 2, line 25, by striking the words "five
- 6 hundred thousand" and inserting the following: "~~five~~
- 7 hundred thousand one million".
- 8 3. Page 2, line 32, by striking the words "or a
- 9 state agency".
- 10 4. Page 2, line 35, by striking the words "or
- 11 state agency".
- 12 5. Page 3, line 2, by striking the words "five
- 13 hundred thousand" and inserting the following: "one
- 14 million".
- 15 6. Page 3, line 33, by striking the words "state
- 16 agencies" and inserting the following: "the
- 17 commission".
- 18 7. Page 6, line 27, by striking the words and
- 19 figures "and section 8.46, subsection 2A".
- 20 8. Page 6, lines 31 and 32, by striking the words
- 21 "and section 8.46, subsection 2A".
- 22 9. Page 10, line 18, by striking the word "For"
- 23 and inserting the following: "~~For~~ Unless the context
- 24 otherwise requires, for".
- 25 10. By renumbering as necessary.

Amendment H-5915 was adopted.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H-5610 filed by him on March 26, 1996.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper, until his return, on request of Gipp of Winneshiek.

Heaton of Henry in the chair at 9:25 a.m.

Speaker pro tempore Van Maanen of Marion in the chair at 9:30 a.m.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2366)

The ayes were, 89:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Disney
Drake	Drees	Eddie	Fallon
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 2:

Brunkhorst Garman

Absent or not voting, 9:

Baker	Brammer	Brand	Dinkla
Doderer	Ertl	Grubbs	Larson
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2366** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **House File 2458**, a bill for an act relating to the right to appointed counsel or a public defender,

by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases, amended by the Senate amendment H-5922 as follows:

H-5922

- 1 Amend House File 2458, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 14 and 15 and
- 4 inserting the following:
- 5 ~~“An attorney who has not entered into a contract~~
- 6 ~~authorized under section 13B-4 and who is appointed by~~
- 7 ~~the court to”.~~
- 8 2. Page 2, by striking lines 24 through 28 and
- 9 inserting the following: “and necessary briefs in
- 10 behalf of the defendant. Such attorney need not
- 11 follow the case”.
- 12 3. By striking page 4, line 28, through page 5,
- 13 line 12.
- 14 4. Page 5, by inserting after line 12 the
- 15 following:
- 16 “Sec. . **NEW SECTION. 901A.1 CORRECTIONS**
- 17 **CONTINUUM - INTERMEDIATE CRIMINAL SANCTIONS PROGRAM.**
- 18 1. The corrections continuum consists of the
- 19 following:
- 20 a. **LEVEL ONE.** Noncommunity-based corrections
- 21 sanctions including the following:
- 22 (1) **SELF-MONITORED SANCTIONS.** Self-monitored
- 23 sanctions which are not monitored for compliance
- 24 including, but not limited to, fines and community
- 25 service.
- 26 (2) **OTHER THAN SELF-MONITORED SANCTIONS.** Other
- 27 than self-monitored sanctions which are monitored for
- 28 compliance by other than the district department of
- 29 correctional services including, but not limited to,
- 30 mandatory mediation, victim and offender
- 31 reconciliation, and noncommunity-based corrections
- 32 supervision.
- 33 b. **LEVEL TWO.** Probation and parole options
- 34 consisting of the following:
- 35 (1) **MONITORED SANCTIONS.** Monitored sanctions are
- 36 administrative supervision sanctions which are
- 37 monitored for compliance by the district department of
- 38 correctional services and include, but are not limited
- 39 to, low-risk offender-diversion programs.
- 40 (2) **SUPERVISED SANCTIONS.** Supervised sanctions
- 41 are regular probation or parole supervision and any
- 42 conditions established in the probation or parole
- 43 agreement or by court order.
- 44 (3) **INTENSIVE SUPERVISION SANCTIONS.** Intensive
- 45 supervision sanctions provide levels of supervision
- 46 above sanctions in subparagraph (2) but are less
- 47 restrictive than sanctions under paragraph “c” and
- 48 include electronic monitoring, day reporting, day

49 programming, live out programs for persons on work
50 release or who have violated chapter 321J, and

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1 institutional work release under section 904.910.
2 c. LEVEL THREE. Quasi-incarceration sanctions.
3 Quasi-incarceration sanctions are those supported by
4 residential facility placement or twenty-four hour
5 electronic monitoring including, but not limited to,
6 the following:
7 (1) Residential treatment facilities.
8 (2) Operating while intoxicated offender treatment
9 facilities.
10 (3) Work release facilities.
11 (4) House arrest with electronic monitoring.
12 d. LEVEL FOUR. Short-term incarceration designed
13 to be of short duration, including, but not limited
14 to, the following:
15 (1) Twenty-one-day shock probation for persons who
16 violate chapter 321J.
17 (2) Jail for less than thirty days.
18 (3) Violators' facilities.
19 e. LEVEL FIVE. Incarceration which consists of
20 the following:
21 (1) Prison.
22 (2) Jail for thirty days or longer.
23 2. "Intermediate criminal sanctions program" means
24 a program structured around the corrections continuum
25 in subsection 1, describing sanctions and services
26 available in each level of the continuum in the
27 district and containing the policies of the district
28 department of correctional services regarding
29 placement of a person in a particular level of
30 sanction and the requirements and conditions under
31 which a defendant will be transferred between levels
32 in the corrections continuum under the program.
33 3. An intermediate criminal sanctions program
34 shall consist of only levels two, three, and four of
35 the corrections continuum and shall be operated in
36 accordance with an intermediate criminal sanctions
37 plan adopted by the chief judge of the judicial
38 district and the director of the judicial district
39 department of correctional services. The plan adopted
40 shall be designed to reduce probation revocations to
41 prison through the use of incremental, community-based
42 sanctions for probation violations.
43 The plan shall be subject to rules adopted by the
44 department of corrections. The rules shall include
45 provisions for transferring individuals between levels
46 in the continuum. The provisions shall include a
47 requirement that the reasons for the transfer be in
48 writing and that an opportunity for the individual to
49 contest the transfer be made available.
50 A copy of the program and plan shall be filed with

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1 the chief judge of the judicial district, the
2 department of corrections, and the division of
3 criminal and juvenile justice planning of the
4 department of human rights.

5 4. a. The district department of correctional
6 services shall place an individual committed to it
7 under section 907.3 to the sanction and level of
8 supervision which is appropriate to the individual
9 based upon a current risk assessment evaluation.
10 Placements may be to levels two and three of the
11 corrections continuum. The district department may,
12 with the approval of the department of corrections,
13 place an individual in a level four violator facility
14 established pursuant to section 904.207 or use twenty-
15 one-day shock probation under subsection 1, paragraph
16 "d", subparagraph (1), only as a penalty for a
17 violation of a condition imposed under this section.

18 b. The district department may transfer an
19 individual along the intermediate criminal sanctions
20 program operated pursuant to subsection 3 as necessary
21 and appropriate during the period the individual is
22 assigned to the district department. However, nothing
23 in this section shall limit the district department's
24 ability to seek a revocation of the individual's
25 probation pursuant to section 908.11.

26 Sec. ____ Section 905.1, subsection 2, Code 1995,
27 is amended to read as follows:

28 2. "Community-based correctional program" means
29 correctional programs and services, including but not
30 limited to an intermediate criminal sanctions program
31 in accordance with the corrections continuum in
32 section 901A.1, designed to supervise and assist
33 individuals who are charged with or have been
34 convicted of a felony, an aggravated misdemeanor or a
35 serious misdemeanor, or who are on probation or parole
36 in lieu of or as a result of a sentence of
37 incarceration imposed upon conviction of any of these
38 offenses, or who are contracted to the district
39 department for supervision and housing while on work
40 release.

41 An intermediate criminal sanctions program shall be
42 designed by a district department in a manner that
43 provides services in a manner free of disparities
44 based upon an individual's race or ethnic origin.

45 Sec. ____ Section 907.3, subsection 1, unnumbered
46 paragraph 1, Code Supplement 1995, is amended to read
47 as follows:

48 With the consent of the defendant, the court may
49 defer judgment and may place the defendant on
50 probation upon such conditions as it may require.

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1 Upon a showing that the defendant is not ~~co-operating~~
2 cooperating with the program of probation or is not
3 responding to it, the court may withdraw the defendant
4 from the program, pronounce judgment, and impose any
5 sentence authorized by law. Before taking such
6 action, the court shall give the defendant an
7 opportunity to be heard on any matter relevant to the
8 proposed action. Upon fulfillment of the conditions
9 of probation, the defendant shall be discharged
10 without entry of judgment. Upon violation of the
11 conditions of probation, the court may proceed as
12 provided in chapter 908.

13 Sec. ____ Section 907.3, subsection 2, Code
14 Supplement 1995, is amended to read as follows:

15 2. At the time of or after pronouncing judgment
16 and with the consent of the defendant, the court may
17 defer the sentence and assign the defendant to the
18 judicial district department of correctional services.
19 The court may assign the defendant to supervision or
20 services under section 901A.1 at the level of
21 supervision which the district department determines
22 to be appropriate, if an intermediate criminal
23 sanctions plan and program has been adopted in the
24 judicial district under section 901A.1. However, the
25 court shall not defer the sentence for a violation of
26 section 708.2A if the defendant has previously
27 received a deferred judgment or sentence for a
28 violation of section 708.2 or 708.2A which was issued
29 on a domestic abuse assault, or if similar relief was
30 granted anywhere in the United States concerning that
31 jurisdiction's statutes which substantially correspond
32 to domestic abuse assault as provided in section
33 708.2A. In addition, the court shall not defer a
34 sentence if it is imposed for a conviction for or plea
35 of guilty to a violation of section 236.8 or for
36 contempt pursuant to section 236.8 or 236.14. Upon a
37 showing that the defendant is not fulfilling the
38 conditions of probation, the court may revoke
39 probation and impose any sentence authorized by law.
40 Before taking such action, the court shall give the
41 defendant an opportunity to be heard on any matter
42 relevant to the proposed action. Upon violation of
43 the conditions of probation, the court may proceed as
44 provided in chapter 908.

45 Sec. ____ Section 907.3, subsection 3, Code
46 Supplement 1995, is amended to read as follows:

47 3. By record entry at the time of or after
48 sentencing, the court may suspend the sentence and
49 place the defendant on probation upon such terms and
50 conditions as it may require including commitment to

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1 an alternate jail facility or a community correctional
2 residential treatment facility for a specific number
3 of days to be followed by a term of probation as
4 specified in section 907.7, or commitment of the
5 defendant to the judicial district department of
6 correctional services for supervision or services
7 under section 901A.1 at the level of supervision which
8 the district department determines to be appropriate.
9 A person so committed who has probation revoked shall
10 be given credit for such time served. However, the
11 court shall not suspend the minimum term of two days
12 imposed pursuant to section 708.2A, and the court
13 shall not suspend a sentence imposed pursuant to
14 section 236.8 or 236.14 for contempt.

15 Sec. ____ Section 907.6, Code 1995, is amended to
16 read as follows:

17 907.6 CONDITIONS OF PROBATION – REGULATIONS.

18 Probationers are subject to the conditions
19 established by the judicial district department of
20 correctional services subject to the approval of the
21 court, and any additional reasonable conditions which
22 the court or district department may impose to promote
23 rehabilitation of the defendant or protection of the
24 community. Conditions may include but are not limited
25 to adherence to regulations generally applicable to
26 persons released on parole and including requiring
27 unpaid community service as allowed pursuant to
28 section 907.13.”

29 5. Page 6, by inserting after line 18 the
30 following:

31 “Sec. ____ Section 910.4, Code Supplement 1995, is
32 amended to read as follows:

33 910.4 CONDITION OF PROBATION – PAYMENT PLAN.

34 1. When restitution is ordered by the sentencing
35 court and the offender is placed on probation,
36 restitution shall be a condition of probation.

37 a. Failure of the offender to comply with the plan
38 of restitution, plan of payment, or community service
39 requirements when community service is ordered by the
40 court as restitution, shall constitute a violation of
41 probation and shall constitute contempt of court.

42 b. ~~The~~ ~~If an offender fails to comply with~~
43 restitution requirements during probation, the court
44 may hold the offender in contempt, revoke probation,
45 or extend the period of probation, ~~or upon notice of~~
46 ~~such noncompliance and hearing thereon, the court may~~
47 ~~enter a civil judgment against the offender for the~~
48 ~~outstanding balance of payments under the plan of~~
49 ~~restitution and such judgment shall be governed by the~~
50 ~~law relating to judgments, judgment liens, executions,~~

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1 ~~and other process available to creditors for the~~
2 ~~collection of debts.~~

3 (1) ~~However, if If the court extends the period o f~~
4 ~~probation, is extended it shall not be for more than~~
5 ~~the maximum period of probation for the offense~~
6 ~~committed as provided in section 907.7. After~~
7 ~~discharge from probation or after the expiration of~~
8 ~~the period of probation, the failure of an offender to-~~
9 ~~comply with the plan of restitution ordered by the~~
10 ~~court shall constitute contempt of court. As part of~~
11 ~~the order discharging an offender from probation, the~~
12 ~~court shall enter a civil judgment against the~~
13 ~~offender for the balance, if any, of any restitution~~
14 ~~owed by the offender to the victim of the crime.~~

15 (2) If an offender's probation is revoked, the
16 offender's assigned probation officer shall forward to
17 the director of the Iowa department of corrections,
18 information concerning the offender's restitution
19 plan, restitution plan of payment, the restitution
20 payment balance, and any other pertinent information
21 concerning or affecting restitution by the offender.

22 2. When the offender is committed to a county
23 jail, or to an alternate facility, the office or
24 individual charged with supervision of the offender
25 shall prepare a restitution plan of payment taking
26 into consideration the offender's income, physical and
27 mental health, age, education, employment and family
28 circumstances.

29 a. The office or individual charged with
30 supervision of the offender shall review the plan of
31 restitution ordered by the court, and shall submit a
32 restitution plan of payment to the sentencing court.

33 b. When community service is ordered by the court
34 as restitution, the restitution plan of payment shall
35 set out a plan to meet the requirement for the
36 community service.

37 c. The court may approve or modify the plan of
38 restitution and restitution plan of payment.

39 d. When there is a significant change in the
40 offender's income or circumstances, the office or
41 individual which has supervision of the plan of
42 payment shall submit a modified restitution plan of
43 payment to the court.

44 3. When there is a transfer of supervision from
45 one office or individual charged with supervision of
46 the offender to another, the sending office or
47 individual shall forward to the receiving office or
48 individual all necessary information regarding the
49 balance owed against the original amount of
50 restitution ordered and the balance of public service

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1 required.

2 When the offender's circumstances and income have
3 significantly changed, the receiving office or
4 individual shall submit a new plan of payment to the
5 sentencing court for approval or modification based on
6 the considerations enumerated in this section.

7 Sec. ____ Section 910.5, Code Supplement 1995, is
8 amended to read as follows:

9 910.5 CONDITION OF WORK RELEASE OR PAROLE.

10 1. a. When an offender is committed to the
11 custody of the director of the Iowa department of
12 corrections pursuant to a sentence of confinement, the
13 sentencing court shall forward to the director, a copy
14 of the offender's restitution plan, present
15 restitution payment plan if any, and other pertinent
16 information concerning or affecting restitution by the
17 offender.

18 b. ~~However, if~~ If the offender is committed to the
19 custody of the director after revocation of probation,
20 this all information regarding the offender's
21 restitution plan shall be forwarded by the offender's
22 probation officer.

23 c. An offender committed to a penal or
24 correctional facility of the state shall make
25 restitution while placed in that facility.

26 d. Upon commitment to the custody of the director
27 of the Iowa department of corrections, the director or
28 the director's designee shall prepare a restitution
29 plan of payment or modify any existing plan of
30 payment.

31 (1) The new or modified plan of payment shall
32 reflect the offender's present circumstances
33 concerning the offender's income, physical and mental
34 health, education, employment, and family
35 circumstances.

36 (2) The director or the director's designee may
37 modify the plan of payment at any time to reflect the
38 offender's present circumstances.

39 e. After the expiration of the offender's
40 sentence, the failure of an offender to comply with
41 the plan of restitution ordered by the court shall
42 constitute contempt of court. ~~Upon the expiration of~~
43 ~~the offender's sentence, the department shall notify~~
44 ~~the court which sentenced the offender and the court~~
45 ~~shall enter a civil judgment against the offender for~~
46 ~~the balance, if any, of any restitution owed by the~~
47 ~~offender to the victim of the crime.~~

48 2. If an offender is to be placed on work release
49 from an institution under the control of the director
50 of the Iowa department of corrections, restitution

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1 shall be a condition of work release.

2 a. The chief of the bureau of community
3 correctional services of the Iowa department of
4 corrections shall prepare a restitution plan of
5 payment or may modify any previously existing
6 restitution plan of payment.

7 (1) The new or modified plan of payment shall
8 reflect the offender's present circumstances
9 concerning the offender's income, physical and mental
10 health, education, employment, and family
11 circumstances.

12 (2) The bureau chief may modify the plan of
13 payment at any time to reflect the offender's present
14 circumstances.

15 b. Failure of the offender to comply with the
16 restitution plan of payment, including the community
17 service requirement, if any, shall constitute a
18 violation of a condition of work release and the work
19 release privilege may be revoked.

20 c. After the expiration of the offender's
21 sentence, the failure of an offender to comply with
22 the plan of restitution ordered by the court shall
23 constitute contempt of court. ~~Upon the expiration of
24 the offender's sentence, the bureau chief shall notify
25 the court which sentenced the offender and the court
26 shall enter a civil judgment against the offender for
27 the balance, if any, of any restitution owed by the
28 offender to the victim of the crime.~~

29 3. If an offender is to be placed on work release
30 from a facility under control of a county sheriff or
31 the judicial district department of correctional
32 services, restitution shall be a condition of work
33 release.

34 a. The office or individual charged with
35 supervision of the offender shall prepare a
36 restitution plan of payment or may modify any
37 previously existing restitution plan of payment.

38 (1) The new or modified plan of payment shall
39 reflect the offender's present circumstances
40 concerning the offender's income, physical and mental
41 health, education, employment and family
42 circumstances.

43 (2) Failure of the offender to comply with the
44 restitution plan of payment including the community
45 service requirement, if any, constitutes a violation
46 of a condition of work release.

47 (3) The office or individual charged with
48 supervision of the offender may modify the plan of
49 restitution at any time to reflect the offender's
50 present circumstances.

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1 b. After the expiration of the offender's
2 sentence, the failure of an offender to comply with
3 the plan of restitution ordered by the court shall
4 constitute contempt of court. ~~Upon the expiration of~~
5 ~~the offender's sentence, the office or individual~~
6 ~~charged with supervision of the offender shall notify~~
7 ~~the court which sentenced the offender and the court~~
8 ~~shall enter a civil judgment against the offender for~~
9 ~~the balance, if any, of any restitution owed by the~~
10 ~~offender to the victim of the crime.~~

11 4. If an offender is to be placed on parole,
12 restitution shall be a condition of parole.

13 a. The district department of correctional
14 services to which the offender will be assigned shall
15 prepare a restitution plan of payment or may modify
16 any previously existing restitution plan of payment.

17 (1) The new or modified plan of payment shall
18 reflect the offender's present circumstances
19 concerning the offender's income, physical and mental
20 health, education, employment, and family
21 circumstances.

22 (2) Failure of the offender to comply with the
23 restitution plan of payment including a community
24 service requirement, if any, shall constitute a
25 violation of a condition of parole.

26 (3) The parole officer may modify the plan of
27 payment any time to reflect the offender's present
28 circumstances.

29 (4) A restitution plan of payment or modified plan
30 of payment, prepared by a parole officer, must meet
31 the approval of the director of the district
32 department of correctional services.

33 b. After the expiration of the offender's
34 sentence, the failure of an offender to comply with
35 the plan of restitution ordered by the court shall
36 constitute contempt of court. ~~Upon the expiration of~~
37 ~~the offender's sentence, the parole officer shall~~
38 ~~notify the court which sentenced the offender and the~~
39 ~~court shall enter a civil judgment against the~~
40 ~~offender for the balance, if any, of any restitution~~
41 ~~owed by the offender to the victim of the crime.~~

42 5. The director of the Iowa department of
43 corrections shall promulgate adopt rules pursuant to
44 chapter 17A concerning the policies and procedures to
45 be used in preparing and implementing restitution
46 plans of payment for offenders who are committed to an
47 institution under the control of the director of the
48 Iowa department of corrections, for offenders who are
49 to be released on work release from institutions under
50 the control of the director of the Iowa department of

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- 1 corrections, for offenders who are placed on
- 2 probation, and for offenders who are released on
- 3 parole.”
- 4 6. By renumbering, relettering, or redesignating
- 5 and correcting internal references as necessary.

Coon of Warren offered the following amendment H-5989, to the Senate amendment H-5922, filed by him and Kreiman and moved its adoption:

H-5989

- 1 Amend the Senate amendment, H-5922, to House File
- 2 2458, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 “ . Page 1, by inserting after line 16 the
- 7 following:
- 8 “Sec. ____ Section 216A.136, unnumbered paragraph
- 9 1, as enacted by 1996 Iowa Acts, House File 2448,
- 10 section 2, if enacted, is amended to read as follows:
- 11 The division shall maintain an Iowa statistical
- 12 analysis center for the purpose of coordinating with
- 13 data resource agencies to provide data and analytical
- 14 information to federal, state, and local governments,
- 15 and assist agencies in the use of criminal and
- 16 juvenile justice data. Notwithstanding any other
- 17 provision of state law, unless prohibited by federal
- 18 law or regulation, the division shall be granted
- 19 access, for purposes of research and evaluation, to
- 20 criminal history records, official juvenile court
- 21 records, juvenile court social records, and any other
- 22 data collected or under control of the board of
- 23 parole, department of corrections, district
- 24 departments of correctional services, department of
- 25 human services, judicial department, and department of
- 26 public safety. However, intelligence data and peace
- 27 officer investigative reports maintained by the
- 28 department of public safety shall not be considered
- 29 data for the purposes of this section. Any record,
- 30 data, or information obtained by the division under
- 31 this section and the division itself are subject to
- 32 the federal and state confidentiality laws and
- 33 regulations which are applicable to the original
- 34 record, data, or information obtained by the division
- 35 and to the original custodian of the record, data, or
- 36 information. The access shall include but is not
- 37 limited to all of the following:
- 38 Sec. ____ Section 216A.136, subsection 4, as
- 39 enacted by 1996 Iowa Acts, House File 2448, section 2;
- 40 if enacted, is amended to read as follows:
- 41 4. Criminal history and intelligence data
- 42 maintained under chapter 692.”

43 2. Page 10, by inserting after line 3 the
44 following:
45 "_. Title page, line 1, by inserting after the
46 words "relating to" the following: "criminal and
47 juvenile justice, including criminal intelligence data
48 and"."

Amendment H-5989 was adopted.

Millage of Scott offered the following amendment H-6022, to the Senate amendment H-5922, filed by him from the floor and moved its adoption:

H-6022

1 Amend the Senate amendment, H-5922, to House File
2 2458, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 3 through 7.
5 2. Page 1, by inserting before line 8 the
6 following:
7 "_. Page 2, line 20, by striking the word
8 "including" and inserting the following: "including
9 pursuant to guidelines established by the supreme
10 court, except that the supreme court guidelines shall
11 not apply where the person represented is charged with
12 a class "A" felony. Reasonable compensation
13 includes"."
14 3. Page 10, by inserting after line 3 the
15 following:
16 "Sec. __. INDICTABLE MISDEMEANORS – STUDY –
17 REPORT. The state public defender shall conduct a
18 study to determine which indictable misdemeanors
19 should be reclassified as simple misdemeanors in order
20 to reduce the need for and costs associated with
21 appointed counsel in this state while balancing the
22 rights of those persons charged with such crimes. In
23 conducting the study the state public defender shall
24 seek input from as many individuals with knowledge on
25 this issue as possible. The state public defender
26 shall submit a report of the study's findings and
27 recommendations to the general assembly by January 13,
28 1997."
29 _. Title page, line 3, by inserting after the
30 word "costs," the following: "conducting a study on
31 indictable misdemeanors,"."

Amendment H-6022 was adopted.

Harrison of Scott offered the following amendment H-6023, to the Senate amendment H-5922, filed by him from the floor and moved its adoption:

H-6023

- 1 Amend the Senate amendment, H-5922, to House File
 2 2458, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 15, by striking the word
 5 "probation" and inserting the following:
 6 "incarceration".
 7 2. Page 2, by inserting after line 18 the
 8 following:
 9 "(4) Prison with sentence reconsideration."
 10 3. Page 2, line 34, by inserting after the word
 11 "and" the following: "sublevels one and three of
 12 level".
 13 4. Page 3, lines 14 through 16, by striking the
 14 words "or use twenty-one-day shock probation under
 15 subsection 1, paragraph "d", subparagraph (1)".
 16 5. Page 4, line 21, by striking the word
 17 "supervision" and inserting the following:
 18 "sanctions".
 19 6. Page 5, line 7, by striking the word
 20 "supervision" and inserting the following:
 21 "sanctions".

Amendment H-6023 was adopted.

On motion by Millage of Scott, the House concurred in the Senate amendment H-5922, as amended.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2458)

The ayes were, 89:

Arnold	Bernau	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Disney
Doderer	Drake	Drees	Eddie
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie

Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 11:

Baker	Bell	Brammer	Brand
Dinkla	Ertl	Hanson	Kreiman
Larson	McCoy	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Rule 76 invoked: Kreiman of Davis invoked Rule 76, conflict of interest, and refrained from voting.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2458** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 129

Harrison of Scott asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 129, a concurrent resolution designating Crime Victims' Rights Week in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House Concurrent Resolution 129** be immediately messaged to the Senate.

MOTION TO RECONSIDER

Rants of Woodbury called up for consideration the motion to reconsider **Senate File 284**, filed by Siegrist of Pottawattamie on April 10, 1996, and moved to reconsider the vote by which Senate File 284, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry

into, stay, or employment in the United States, and providing penalties, passed the House and was placed on its last reading on April 10, 1996.

A non-record roll call was requested.

The ayes were 53, nays none.

The motion prevailed and the House reconsidered Senate File 284.

Doderer of Johnson offered amendment H-6024 filed by Doderer, Kreiman, Holveck and Rants from the floor and requested division as follows:

H-6024

- 1 Amend the amendment, H-5888, to Senate File 284, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 10 the

H-6024A

4 following:

5 " __. Page 1, by striking lines 6 through 22 and

6 inserting the following:

7 "Sec. __. Section 715A.2, subsection 2, paragraph

8 b, Code 1995, is amended to read as follows:

9 b. Forgery is an aggravated misdemeanor if the

10 writing is or purports to be a document prescribed by

11 statute, rule, or regulation for entry into or as

12 evidence of authorized stay or employment in the

13 United States, will, deed, contract, release,

14 commercial instrument, or any other writing or other

15 document evidencing, creating, transferring, altering,

16 terminating, or otherwise affecting legal relations.

17 A person convicted of an aggravated misdemeanor under

18 this paragraph, where the forged document was one

19 prescribed by statute, rule, or regulation for entry

20 into or as evidence of authorized stay or employment

21 in the United States, shall be sentenced to an

22 indeterminate term of confinement of not less than one

23 year and one day."

H-6024B

24 2. Page 1, by striking lines 15 through 31 and

25 inserting the following:

26 "1. An employer is subject to the civil penalty in

27 this section if the employer does either of the

28 following:

29 a. Hires a person when the employer or an agent or

30 employee of the employer knows that the document

31 evidencing the person's authorized stay or employment

H-6024B

32 in the United States is in violation of section
33 715A.2, subsection 2, paragraph "a", subparagraph (4),
34 or knows that the person is not authorized to be
35 employed in the United States.

36 b. Continues to employ a person when the employer
37 or an agent or employee of the employer knows that the
38 document evidencing the person's authorized stay or
39 employment in the United States is in violation of
40 section 715A.2, subsection 2, paragraph "a",
41 subparagraph (4), or knows that the person is not
42 authorized to be employed in the United States.

43 2. An employer who establishes that it has
44 complied in good faith with the requirements of 8
45 U.S.C. § 1324(b) with respect to the hiring or
46 continued employment of an alien in the United States
47 has established an affirmative defense that the
48 employer has not violated this section.

49 3. An employer who violates this section shall
50 cease and desist from further violations and shall pay

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1 the following civil penalty:

2 a. For a first violation, not less than two
3 hundred and fifty dollars and not more than two
4 thousand dollars for each unauthorized alien hired or
5 employed.

6 b. For a second violation, not less than two
7 thousand dollars and not more than five thousand
8 dollars for each unauthorized alien hired or employed.

9 c. For a third or subsequent violation, not less
10 than three thousand dollars and not more than ten
11 thousand dollars for each unauthorized alien hired or
12 employed."

13 3. Page 1, by striking lines 32 through 34 and
14 inserting the following:

15 "In addition, an employer found to have violated
16 this section".

17 4. Page 1, line 38, by striking the figure "2"
18 and inserting the following: "4".

19 5. Page 1, line 41, by striking the figure "3"
20 and inserting the following: "5".

21 6. By renumbering as necessary.

Doderer of Johnson asked and received unanimous consent to with-
draw amendment H-6024A.

On motion by Doderer of Johnson, amendment H-6024B was
adopted.

Veenstra of Sioux moved that the bill be read a last time now and
placed upon its passage which motion prevailed and the bill was read a
last time.

On the question "Shall the bill pass?" (S.F. 284)

The ayes were, 92:

Arnold	Bernau	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Disney
Doderer	Drake	Drees	Eddie
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Baker	Bell	Brammer	Brand
Dinkla	Ertl	Larson	Salton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that Senate File 284 be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 114

Schulte of Linn called up for consideration Senate Concurrent Resolution 114, a concurrent resolution recognizing the League of Women Voters of Iowa and Cornell College for their efforts in creating an Internet-accessible system for obtaining legislative information.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Concurrent Resolution 114** be immediately messaged to the Senate.

The House stood at ease at 10:29 a.m., until the fall of the gavel.

The House resumed session at 11:39 a.m., Renken of Grundy in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 125, a concurrent resolution honoring University of Iowa Women's Basketball Coach Angie Lee.

JOHN F. DWYER, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 11:40 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House resumed session at 1:30 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 570, a bill for an act relating to funding for and the name of the national center for talented and gifted education and making an appropriation.

Also: That the Senate has on April 18, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2432, a bill for an act relating to the taxation of payments received by organized health care delivery systems.

Also: That the Senate has on April 18, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2453, a bill for an act relating to the regulation of industrial loan companies by establishing certain requirements applicable to a change of control, providing for the appointment of the superintendent or the federal deposit insurance corporation as receiver, and requiring an industrial loan company to obtain federal deposit insurance for certain debt instruments, and making a penalty applicable.

Also: That the Senate has on April 18, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2491, a bill for an act relating to the care and maintenance of pioneer cemeteries and authorizing a tax levy.

Also: That the Senate has on April 18, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2498, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 125

Doderer of Johnson asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 125, a concurrent resolution honoring University of Iowa Women's Basketball Coach Angie Lee, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Doderer of Johnson presented University of Iowa Women's Basketball Coach, Angie Lee. Ms. Lee was honored for the success of her first season as head coach, which included an overall record of 27-4 and the Big Ten Conference Title.

Ms. Lee addressed the House briefly.

The House rose and expressed its appreciation.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Concurrent Resolution 125** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 110

Halvorson of Clayton asked and received unanimous consent for the immediate consideration of House Resolution 110, a resolution recognizing the Independent Insurance Agents of America, Inc., for 100 years of service, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2370**, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision, previously deferred and placed on the unfinished business calendar.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-6014, filed by Holveck, et. al., on April 17, 1996.

Witt of Black Hawk asked and received unanimous consent to withdraw the following amendments filed by Witt, et. al., on April 17, 1996: H-5997, H-5998, H-6006 and H-6017.

Vande Hoef of Osceola asked and received unanimous consent to withdraw the following amendments filed by Vande Hoef, et. al., on April 17, 1996: H-6007, H-6008, H-6009, H-6010 and H-6019.

Klemme of Plymouth in the chair at 2:01 p.m.

Nutt of Woodbury asked and received unanimous consent to withdraw amendment H-6018, filed by Nutt, et. al., on April 17, 1996.

Nutt of Woodbury offered the following amendment H-6026 filed by Nutt, Witt, Holveck, Vande Hoef, Shoultz and Burnett from the floor and moved its adoption:

H-6026

- 1 Amend Senate File 2370, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 20 through 23.
- 4 2. By striking page 1, line 31, through page 2,
- 5 line 5.
- 6 3. Page 3, line 29, by inserting after the word
- 7 "cost-effective." the following: "In determining the
- 8 cost-effectiveness of an energy efficiency plan, the
- 9 board shall apply the societal test, utility cost
- 10 test, rate-payer impact test, and participant test."
- 11 4. Page 4, by striking lines 18 through 27 and
- 12 inserting the following:
- 13 "b. A gas and electric utility required to be
- 14 rate-regulated under this chapter shall assess
- 15 potential energy and capacity savings available from
- 16 actual and projected customer usage by applying
- 17 commercially available technology and improved

18 operating practices to energy-using equipment and
19 buildings. The utility shall submit the assessment to
20 the board. Upon receipt of the assessment, the board
21 shall consult with the energy bureau of the division
22 of energy and geological resources of the department
23 of natural resources to develop specific capacity and
24 energy savings performance standards for each utility.
25 The utility shall submit an energy efficiency plan
26 which shall include economically achievable programs
27 designed to attain these energy and capacity
28 performance standards.”

29 5. Page 6, by striking lines 3 through 18.

30 6. By striking page 7, line 17, through page 11,
31 line 23.

32 7. By striking page 12, line 29, through page 13,
33 line 16.

34 8. By striking page 13, line 18, through page 14,
35 line 3.

36 9. Title page, line 1, by striking the words “and
37 alternate energy”.

38 10. Title page, line 6, by striking the words
39 “and providing an applicability provision”.

40 11. By renumbering as necessary.

Amendment H-6026 was adopted, placing the following amend-
ments out of order:

H-5979 filed by Mascher of Johnson, et. al., on April 17, 1996.

H-5987 filed by Shoultz of Black Hawk, et. al., on April 17, 1996.

H-6000 filed by Burnett of Story and Mascher on April 17, 1996.

H-6001 filed by Bernau of Story and Burnett on April 17, 1996.

H-6005 filed by Mascher of Johnson, et. al., on April 17, 1996.

H-6012 filed by Holveck of Polk, et. al., on April 17, 1996.

H-6015 filed by Holveck of Polk, et. al., on April 17, 1996.

H-6016 filed by Holveck of Polk, et. al., on April 17, 1996.

H-6020 filed by Shoultz of Black Hawk, Holveck, Fallon, Burnett
and Mascher from the floor.

H-6021 filed by Shoultz of Black Hawk, Mascher and Burnett from
the floor.

Holveck of Polk asked and received unanimous consent to with-
draw amendment H-6013 filed by him on April 17, 1996.

Shoultz of Black Hawk asked and received unanimous consent to
withdraw amendments H-5985 and H-5986 filed by Shoultz, et. al., on
April 17, 1996.

Burnett of Story asked and received unanimous consent to with-
draw amendment H-5999, filed by Burnett, et. al., on April 17, 1996.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-6002 filed by Fallon of Polk on April 17, 1996.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-6003 filed by Mascher, et. al., on April 17, 1996.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-6004 filed by Fallon of Polk on April 17, 1996.

Halvorson of Clayton offered the following amendment, H-5996 filed by Halvorson, et. al., and moved its adoption:

H-5996

- 1 Amend Senate File 2370, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 30, by striking the words "for
- 4 contracts existing" and inserting the following: "in
- 5 communities in which existing contracts are in
- 6 effect".

A non-record roll call was requested.

The ayes were 22, nays 54.

Amendment H-5996 lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-6011 filed by Holveck, et. al., on April 17, 1996.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5980 filed by him on April 17, 1996.

Nutt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2370)

The ayes were, 86:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum

Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Myers	Nelson, B.	Nelson, L.	Nutt
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Veenstra
Warnstadt	Weidman	Welter	Wise
Witt	Klemme, Presiding		

The nays were, 8:

Brunkhorst	Gries	Holveck	Mundie
Murphy	O'Brien	Vande Hoef	Weigel

Absent or not voting, 6:

Bell	Brammer	Dinkla	Ertl
Larson	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2447 WITHDRAWN

Nutt of Woodbury asked and received unanimous consent to withdraw House File 2447 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that Senate File 2370 be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2195, a bill for an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Brunkhorst of Bremer asked for unanimous consent to withdraw the committee amendment H-5683.

Objection was raised.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2195 be deferred.

(Objection to withdrawal of the committee amendment H-5683 pending.)

The House stood at ease at 3:13 p.m., until the fall of the gavel.

The House resumed session at 3:42 p.m., Klemme of Plymouth in the chair.

The House resumed consideration of **Senate File 2195**, a bill for an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates, previously deferred and the objection to withdrawal of the committee amendment H-5683 pending.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar, for the remainder of the afternoon, and Monday, April 22, 1996, on request of Siegrist of Pottawattamie.

Schrader of Marion asked and received unanimous consent to withdraw his objection to the withdrawal of the committee amendment H-5683.

The committee amendment H-5683 was withdrawn placing the following amendments out of order:

H-5836 filed by Murphy of Dubuque and Jochum on April 2, 1996.

H-5842 filed by Weigel of Chickasaw, et. al., on April 3, 1996.

H-5848 filed by Wise of Lee, et. al., on April 3, 1996.

H-5874 filed by Brunkhorst of Bremer on April 8, 1996.

H-5958 filed by Brunkhorst of Bremer on April 15, 1996.

Brunkhorst of Bremer offered amendment H-6028 filed by him from the floor as follows:

H-6028

- 1 Amend Senate File 2195, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting

4 clause and inserting the following:
 5 "Section 1. There is appropriated from the general
 6 fund of the state to the Iowa communications network
 7 fund created in section 8D.14 for the fiscal year
 8 beginning July 1, 1996, and ending June 30, 1997, the
 9 following amount, or so much thereof as is necessary,
 10 to be used for the purpose designated:

11 For debt service:
 12 \$ 12,754,000

13 Upon the appropriation of the funds in this section
 14 to the Iowa communications network fund, the Iowa
 15 telecommunications and technology commission shall
 16 immediately transfer \$12,754,000 of the appropriated
 17 amount to a separate fund established in the office of
 18 the treasurer of state, to be used solely for debt
 19 service for the Iowa communications network. The
 20 commission shall certify to the treasurer of state
 21 when a debt service payment is due, and upon receipt
 22 of the certification the treasurer shall make the
 23 payment. The commission shall pay any additional
 24 amount due from funds deposited in the Iowa
 25 communications network fund.

26 Sec. 2. PART III RELATED APPROPRIATIONS.

27 1. PART III AUTHORIZED USERS.

28 a. There is appropriated from the rebuild Iowa
 29 infrastructure fund of the state created in section
 30 8.57, subsection 5, to the Iowa communications network
 31 fund under the control of the Iowa telecommunications
 32 and technology commission for the fiscal year
 33 beginning July 1, 1996, and ending June 30, 1997, the
 34 following amount, or so much thereof as is necessary,
 35 to be used for the purpose designated:

36 For the connection of a minimum of 110 Part III
 37 authorized users as determined by the commission and
 38 communicated to the general assembly:
 39 \$ 19,600,095

40 b. It is the intent of the general assembly that
 41 the connection of the authorized user sites pursuant
 42 to this subsection be awarded based upon the Part III
 43 contracts executed in 1995.

44 c. Notwithstanding the fact that funds
 45 appropriated pursuant to this subsection will not be
 46 made available prior to July 1, 1996, the Iowa
 47 telecommunications and technology commission is
 48 authorized to negotiate and enter into contracts for
 49 ordering necessary equipment related to the completion
 50 of the connections authorized in paragraph "a" as

Page 2

1 deemed appropriate by the commission upon the
 2 effective date of this paragraph.

3 2. PART III NETWORK COSTS - SUBSIDIZATION FUND.

4 There is appropriated from the general fund of the
 5 state to the Iowa communications network fund created
 6 in section 8D.14 for the fiscal year beginning July 1,
 7 1996, and ending June 30, 1997, the following amount,
 8 or so much thereof as is necessary, to be used for the
 9 purposes designated in this subsection:

10 For the subsidization of video rates for authorized
 11 users as determined by the commission and consistent
 12 with chapter 8D:

13	\$ 2,400,000
14	FTEs 57.00

15 3. PART III NETWORK COSTS - MAINTENANCE AND LEASE
 16 COSTS:

17 a. There is appropriated from the rebuild Iowa
 18 infrastructure fund of the state created in section
 19 8.57, subsection 5, to the Iowa communications network
 20 fund under the control of the Iowa telecommunications
 21 and technology commission for the fiscal year
 22 beginning July 1, 1996, and ending June 30, 1997, the
 23 following amount, or so much thereof as is necessary,
 24 to be used for the purpose designated:

25 For maintenance costs and recurring lease costs as
 26 provided in this subsection:

27	\$ 1,199,905
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28 b. As a condition of the appropriation in this
 29 subsection, \$209,298 of the amount appropriated shall
 30 be expended by the Iowa telecommunications and
 31 technology commission for maintenance costs associated
 32 with Part III connections of the network.

33 c. As a further condition of the appropriation in
 34 this subsection, \$990,607 of the amount appropriated
 35 shall be expended by the Iowa telecommunications and
 36 technology commission for recurring lease costs
 37 associated with Part III connections of the network.

38 Sec. 3. LEGISLATIVE INTENT.

39 1. It is the intent of the general assembly that
 40 the Iowa telecommunications and technology commission
 41 direct the telecommunications advisory committee
 42 established in section 8D.7, in consultation with the
 43 department of management, to develop recommendations
 44 concerning the expenses which should be recovered in
 45 the rates established by the commission for use of the
 46 network, and any necessary subsidies. The commission
 47 shall develop the commission's budget recommendations
 48 for the fiscal year beginning July 1, 1997, after
 49 consideration of these recommendations.

50 2. It is also the intent of the general assembly

1 that the commission conduct a study concerning the
 2 possibility of allowing Internet service providers to
 3 petition the commission to provide Internet service to

4 authorized users in areas of the state where there is
5 no local Internet service, if permitting such Internet
6 service providers to provide such service will result
7 in Internet service being available to areas where the
8 authorized user is located.

9 3. It is also the intent of the general assembly
10 that the commission establish a waiver process for
11 site-based charges to permit an authorized user to
12 recover the authorized user's full cost of providing
13 the use of the authorized user's facility to another
14 person.

15 4. It is also the intent of the general assembly
16 that the education telecommunications council and the
17 regional telecommunications councils give priority to
18 network video usage during the normal school hours for
19 grades prekindergarten through twelve at those video
20 sites which are located within school district
21 facilities. The commission, in consultation with the
22 education telecommunications council, shall establish
23 a policy for flexibility of use for educational video
24 classrooms during normal school hours for events
25 unrelated to network use.

26 Sec. 4. CONTRACT MODIFICATION. Notwithstanding
27 section 8D.13, the commission is authorized to
28 negotiate a contract with Sooland Cable involving the
29 connection of five Part III sites, to provide for a
30 lump-sum payment at the time of installation and
31 activation of the circuit which will result in a real
32 savings within a range of \$23,400 up to \$27,000 per
33 site when compared to the original contract price.

34 Sec. 5. ADDITIONAL CONNECTIONS.

35 1. LEWIS CENTRAL HIGH SCHOOL. Notwithstanding
36 section 8D.13, subsection 5, the state may own and the
37 Iowa telecommunications and technology commission
38 shall provide for the construction and connection to
39 the Iowa communications network of the Lewis Central
40 high school, located in Council Bluffs and contiguous
41 to the school for the deaf established under chapter
42 270.

43 2. ADDITIONS TO PART III. The Iowa
44 telecommunications and technology commission may
45 contract for construction relating to connections to
46 the Iowa communications network for the following
47 authorized users which were not identified in the
48 original Part III request for proposals, but which
49 meet the definition of a Part III user pursuant to
50 section 8D.13, subsection 2, paragraph "c":

Page 4

- 1 a. Wall LakeView middle school, Wall Lake.
- 2 b. Meservey-Thornton community school district,
- 3 Thornton.

- 4 c. Eldora state training school, Eldora.
- 5 d. Iowa juvenile home, Toledo.
- 6 e. Any other public school district, identified by
- 7 the commission, which does not have a connection to
- 8 the network.

9 Sec. 6. EFFECTIVE DATE.

10 1. Section 2, subsection 1, paragraph "c", of this
11 Act, which authorizes the Iowa telecommunications and
12 technology commission to begin negotiations for
13 ordering necessary equipment prior to the availability
14 of funding, being deemed of immediate importance,
15 takes effect upon enactment.

16 2. Section 5, subsection 1, of this Act, which
17 authorizes the state to construct and own the Iowa
18 communications network connection to Lewis Central
19 high school, being deemed of immediate importance,
20 takes effect upon enactment."

Weigel of Chickasaw offered the following amendment H-6030, to amendment H-6028, filed by Weigel, Mertz, Nelson of Pottawattamie, May and Warnstadt from the floor and moved its adoption:

H-6030

1 Amend the amendment, H-6028, to Senate File 2195,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 37 the
5 following:

6 "Sec. ____ There is appropriated from the general
7 fund of the state to the Iowa communications network
8 fund created in section 8D.14 for the fiscal year
9 beginning July 1, 1996, and ending June 30, 1997, the
10 following amount, or so much thereof as is necessary,
11 to lease DS-1 or T-1 circuits for Part III connections
12 currently using analog technology:

13 \$ 70,000"

14 2. By renumbering as necessary.

Amendment H-6030 lost.

Brunkhorst of Bremer offered the following amendment H-6031, to amendment H-6028, filed by him and Kreiman from the floor and moved its adoption:

H-6031

1 Amend the amendment, H-6028, to Senate File 2195,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 12, by striking the word "full".

Amendment H-6031 was adopted.

Murphy of Dubuque offered the following amendment H-6029, to amendment H-6028, filed by him and Jochum from the floor and moved its adoption:

H-6029

- 1 Amend the amendment, H-6028, to Senate File 2195,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by inserting after line 5 the
- 5 following:
- 6 "_. Keystone area education agency, Dubuque."
- 7 2. By relettering as necessary.

Roll call was requested by Jochum of Dubuque and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-6029, to amendment H-6028 be adopted?" (S.F. 2195)

The ayes were, 39:

Bernau	Brand	Burnett	Cataldo
Cohoon	Connors	Doderer	Drees
Fallon	Gipp	Grubbs	Halvorson
Harper	Holveck	Hurley	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Tyrrell	Vande Hoef	Warnstadt
Weigel	Wise	Witt	

The nays were, 51:

Arnold	Blodgett	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Drake	Eddie	Garman
Greig	Greiner	Gries	Grundberg
Hahn	Hammitt Barry	Hanson	Harrison
Heaton	Huseman	Jacobs	Kremer
Lamberti	Lord	Main	Martin
McCoy	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Schulte	Siegrist	Sukup	Teig
Thomson	Van Fossen	Van Maanen	Veenstra
Weidman	Welter	Klemme,	
		Presiding	

Absent or not voting, 10:

Baker	Bell	Boddicker	Brammer
Carroll	Dinkla	Ertl	Houser
Larson	Salton		

Amendment H-6029 lost.

Weigel of Chickasaw rose on a point of order that amendment H-6028, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-6028 not germane.

Brunkhorst of Bremer asked for unanimous consent to suspend the rules to consider amendment H-6028, as amended.

Objection was raised.

Brunkhorst of Bremer moved to suspend the rules to consider amendment H-6028, as amended.

A non-record roll call was requested.

The ayes were 55, nays 27.

The motion prevailed and the rules were suspended.

Brunkhorst of Bremer moved the adoption of amendment H-6028, as amended.

Roll call was requested by Brunkhorst of Bremer and Weigel of Chickasaw.

On the question "Shall amendment H-6028, as amended, be adopted?" (S.F. 2195)

The ayes were, 58:

Arnold	Baker	Blodgett	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Disney	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Kremer	Lamberti
Lord	Main	Martin	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Klemme,		
	Presiding		

The nays were, 34:

Bernau	Brand	Burnett	Cataldo
Cohoon	Connors	Doderer	Drees
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shultz	Taylor	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 8:

Bell	Boddicker	Brammer	Dinkla
Ertl	Larson	Metcalf	Salton

Amendment H-6028 was adopted.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2195)

The ayes were, 84:

Arnold	Baker	Bernau	Blodgett
Boggess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Klemme, Presiding

The nays were, 9:

Drees	Fallon	Harper	McCoy
Mertz	O'Brien	Shultz	Wise
Witt			

Absent or not voting, 7:

Bell	Boddicker	Brammer	Dinkla
Ertl	Larson	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2195** be immediately messaged to the Senate.

The House stood at ease at 5:15 p.m., until the fall of the gavel.

The House resumed session at 5:32 p.m., Speaker Corbett in the chair.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 569, an act relating to the motor vehicle leasing tax and providing an applicability provision.

House File 2166, an act relating to the taxation of foreign corporations and providing an effective and retroactive applicability date provision.

House File 2229, an act relating to the components of the unemployment insurance system concerning the job service advisory council, voluntary income tax withholding from unemployment benefits, relieving certain employers from certain unemployment insurance charges, employer contributions and liability for unemployment insurance benefits regarding successor employers, definitions of employment and wages for members of limited liability companies, and unemployment insurance tax liability for corporate officers, and providing an effective and applicability date.

House File 2259, an act relating to city sewer or water utility connections.

House File 2390, an act providing for the branding of livestock.

House File 2419, an act relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring certain criteria be adopted by administrative rule, providing for entry onto private property for sounding and drilling, relating to the process for disposal of abandoned vehicles, and providing for release of retained funds for public improvements.

House File 2422, an act relating to state sales and services tax exemption for sales or services rendered, furnished, or performed by state and county fairs.

House File 2433, an act relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future markets for waste tires, providing for the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal.

Senate File 482, an act establishing economic and other penalties for certain criminal activity.

Senate File 2123, an act relating to the payment of claims by an administrator acting on behalf of an insurer.

Senate File 2171, an act relating to public health administration, including the duties of the director of public health, primary care recruitment and retention, professional licensure, and health data.

Senate File 2204, an act relating to the operation of the vocational rehabilitation division of the department of education and promoting consistency with the most recently amended version of federal law.

Senate File 2208, an act relating to persons required to register with the sex offender registry, requiring a departmental study, and providing a penalty.

Senate File 2269, an act enhancing the penalties for a third or subsequent offense of domestic abuse assault, requiring county attorneys to prosecute certain domestic abuse misdemeanors, giving district associate judges jurisdiction to enter orders of protection in certain domestic abuse matters, and establishing a pilot program for domestic abuse.

Senate File 2375, an act relating to a limitation on qualifications for rebuttable presumptions for nuisance defenses for certain persons classified as chronic violators involved in confinement feeding operations.

Senate File 2381, an act relating to dependent adult abuse and providing penalties.

Senate File 2438, an act relating to the terminology used to describe persons with certain mental and physical conditions, and providing for related matters concerning persons with mental illness.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Ten junior and senior students from West Harrison High School, Mondamin, accompanied by Mr. White. By Hammitt Barry of Harrison.

Thirty-three students from Dunkerton, accompanied by George Pickup. By Kremer of Buchanan.

Forty-one third, fourth, fifth and sixth grade students from St. Patrick School, Anamosa, accompanied by Cheryl Junion, Sheila Machart, Alison Frerking and Barb High. By Welter of Jones.

Twenty-two eighth grade students from MFL-MAR MAC, accompanied by James Elliott, Tony Martins, Richard Brooks and Kelly Olson. By Halvorson of Clayton.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

COLLEGE STUDENT AID COMMISSION

The Iowa College and University Controlled Substances Policy Assurances Report, pursuant to Chapter 261.25(5), Code of Iowa.

The Student and Faculty Ethnic Diversity Report, pursuant to Chapter 261.25(5), Code of Iowa.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificate of recognition has been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1996\506 Judy and Bernard Lindsey, Newton - For celebrating their Fiftieth wedding anniversary.

RESOLUTION FILED

HR 111, by Myers, Connors, Branstad, Kremer, Renken and Warnstadt, a resolution urging the Commission of Veterans Affairs to provide for the establishment of a state veterans' cemetery in central Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-6025	S.F.	2206	Garman of Story
H-6027	H.F.	2491	Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 5:50 p.m., until 1:00 p.m., Monday, April 22, 1996.

JOURNAL OF THE HOUSE

One Hundred-sixth Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 22, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Chaplain Marvin Boldt, of the Iowa Fireman's Association, Traer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bill E. Anders, Liberty Center, a Kindergarten student at Southeast Warren Elementary School.

The Journal of Thursday, April 18, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Drees of Carroll, on request of Schrader of Marion; Grubbs of Scott and Van Fossen of Scott, until his arrival, on request of Siegrist of Pottawattamie.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2486, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

JOHN F. DWYER, Secretary

HOUSE FILE 2457 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2457 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Brauns of Muscatine called up for consideration **House File 2491**, a bill for an act relating to the care and maintenance of pioneer cemeteries and authorizing a tax levy, amended by the Senate, and moved that the House concur in the following Senate amendment H-6027:

H-6027

- 1 Amend House File 2491, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "fund." the following: "The maintenance and
- 5 improvement program for a pioneer cemetery may include
- 6 restoration and management of native prairie grasses
- 7 and wildflowers."
- 8 2. Page 2, line 6, by striking the word and
- 9 figure "Section 444.25A does" and inserting the
- 10 following: "Sections 444.25A and 444.25B do".
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6027.

Brauns of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2491)

The ayes were, 91:

Arnold	Bell	Bernau	Blodgett
Boggess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	House	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader.	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Baker	Boddicker	Brammer	Drees
Grubbs	Larson	Salton	Taylor
Van Fossen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2480, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained, was taken up for consideration.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2480)

The ayes were, 91:

Arnold	Bell	Bernau	Blodgett
Boggess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrell	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, 1:

Weigel

Absent or not voting, 8:

Baker	Boddicker	Brammer	Drees
Grubbs	Larson	Salton	Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2480 and 2491.**

The House stood at ease at 1:23 p.m., until the fall of the gavel.

The House resumed session at 1:45 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for immediate consideration of House File 2495.

House File 2495, a bill for an act relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service, was taken up for consideration.

Halvorson of Clayton offered the following amendment H-5913 filed by him and moved its adoption:

H-5913

- 1 Amend House File 2495 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "in a qualified hazardous duty area".
- 4 2. Page 1, by striking lines 8 through 10 and
- 5 inserting the following: "Herzegovina."

Amendment H-5913 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2495)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boggett	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon

Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Boddicker	Brammer	Drees	Grubbs
Houser	Larson	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2495** be immediately messaged to the Senate.

The House stood at ease at 1:51 p.m., until the fall of the gavel.

The House resumed session at 2:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2245**, a bill for an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates, previously deferred and placed on the unfinished business calendar.

The House stood at ease at 2:05 p.m., until the fall of the gavel.

The House resumed session at 3:35 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Martin of Scott offered amendment H-5515 filed by the committee on state government as follows:

H-5515

1 Amend Senate File 2245, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "DIVISION I

6 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

7 Section 1. Section 97B.4, unnumbered paragraph 1,
8 Code 1995, is amended to read as follows:

9 The department, through the chief investment
10 officer and chief benefits officer, shall administer
11 this chapter. The department may adopt, amend, or
12 rescind rules, employ persons, execute contracts with
13 outside parties, make expenditures, require reports,
14 make investigations, and take other action it deems
15 necessary for the administration of the system in
16 conformity with the requirements of this chapter, the
17 applicable provisions of the Internal Revenue Code,
18 and all other applicable federal and state laws. The
19 rules shall be effective upon compliance with chapter
20 17A. Not later than the fifteenth day of December of
21 each year, the department shall submit to the governor
22 a report covering the administration and operation of
23 this chapter during the preceding fiscal year and
24 shall make recommendations for amendments to this
25 chapter. The report shall include a balance sheet of
26 the moneys in the Iowa public employees' retirement
27 fund.

28 Sec. 2. Section 97B.7, subsection 2, paragraph b,
29 unnumbered paragraphs 1 through 3, Code 1995, are
30 amended to read as follows:

31 To invest the portion of the retirement fund which
32 in the judgment of the department is not needed for
33 current payment of benefits under this chapter. The
34 department shall execute the disposition and
35 investment of moneys in the retirement fund in
36 accordance with the investment policy and goal
37 statement established by the investment board. In
38 establishing the investment policy of the fund and the
39 investment of the fund, the department and investment
40 board shall exercise the judgment and care, under the
41 circumstances then prevailing, which persons of
42 prudence, discretion, and intelligence exercise in the
43 management of their own affairs, not for the purpose
44 of speculation, but with regard to the permanent
45 disposition of the funds, considering the probable
46 income; as well as the probable safety, of their
47 capital. Within the limitations of the standard
48 prescribed in this section, the treasurer of state,
49 the department, and the board may acquire and retain
50 every kind of property and every kind of investment

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1 which persons of prudence, discretion, and
2 intelligence acquire or retain for their own account.

3 The department and investment board shall give
4 appropriate consideration to those facts and
5 circumstances that the department and investment board
6 know or should know are relevant to the particular
7 investment or investment policy involved, including
8 the role the investment plays in the total value of
9 the retirement fund.

10 For the purposes of this paragraph, appropriate
11 consideration includes, but is not limited to, a
12 determination by the department and investment board
13 that the particular investment or investment policy is
14 reasonably designed to further the purposes of the
15 retirement system, taking into consideration the risk
16 of loss and the opportunity for gain or other return
17 associated with the investment or investment policy
18 and consideration of the following factors as they
19 relate to the retirement fund:

20 Sec. 3. Section 97B.7, subsection 2, paragraph b,
21 unnumbered paragraph 5, Code 1995, is amended to read
22 as follows:

23 Except as provided in section 97B.4, if there is
24 loss to the fund, the treasurer, the department, and
25 the board are not personally liable, and the loss
26 shall be charged against the retirement fund. There
27 is appropriated from the retirement fund the amount
28 required to cover a loss. Expenses incurred in the
29 sale and purchase of securities belonging to the
30 retirement fund shall be charged to the retirement
31 fund, and there is appropriated from the retirement
32 fund the amount required for the expenses incurred.
33 Investment management expenses shall be charged to the
34 investment income of the retirement fund, and there is
35 appropriated from the retirement fund the amount
36 required for the investment management expenses,
37 subject to the limitations stated in this unnumbered
38 paragraph. The amount appropriated for a fiscal year
39 under this unnumbered paragraph shall not exceed ~~one-~~
40 ~~half~~ four-tenths of one percent of the market value of
41 the retirement fund. The department shall report the
42 investment management expenses for a fiscal year as a
43 percent of the market value of the retirement fund in
44 the annual report to the governor required in section
45 97B.4. A person who has signed a contract with the
46 department for investment management purposes shall
47 meet the requirements for doing business in Iowa
48 sufficient to be subject to tax under rules of the
49 department of revenue and finance.

50 Sec. 4. Section 97B.11, Code 1995, is amended to

Page 3

1 read as follows:

2 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

3 Each employer shall deduct from the wages of each
4 member of the system a contribution in the amount of
5 three and seven-tenths percent of the covered wages
6 paid by the employer, until the member's termination
7 or retirement from employment, whichever is earlier.
8 The contributions of the employer shall be in the
9 amount of five and seventy-five hundredths percent of
10 the covered wages of the member.

11 If the total of the contributions to be deducted
12 from the wages of a member and contributions picked up
13 and paid by the employer shall not exceed one dollar
14 for any calendar quarter, contributions shall not be
15 deducted or paid concerning that member and the member
16 shall not receive credit for membership service for
17 that quarter.

18 Sec. 5. Section 97B.14, Code 1995, is amended to
19 read as follows:

20 97B.14 CONTRIBUTIONS FORWARDED.

21 Contributions deducted from the wages of the member
22 or under section 97B.11 prior to January 1, 1995,
23 member contributions picked up by the employer under
24 section 97B.11A beginning January 1, 1995, and the
25 employer's contribution shall be forwarded to the
26 department for recording and deposited with the
27 treasurer of the state to the credit of the Iowa
28 public employees' retirement fund. Contributions
29 shall be remitted monthly, if total contributions by
30 both employee and employer amount to one hundred
31 dollars or more each month, and shall be otherwise
32 paid in such manner, at such times and under such
33 conditions, either by copies of payrolls or other
34 methods necessary or helpful in securing proper
35 identification of the member, as may be prescribed by
36 the department.

37 Sec. 6. Section 97B.15, Code 1995, is amended to
38 read as follows:

39 97B.15 RULES, POLICIES, AND PROCEDURES.

40 The department may adopt rules under chapter 17A
41 and establish procedures, not inconsistent with this
42 chapter, which are necessary or appropriate to
43 implement this chapter and shall adopt reasonable and
44 proper rules to regulate and provide for the nature
45 and extent of the proofs and evidence and the method
46 of taking and furnishing the proofs and evidence in
47 order to establish the right to benefits under this
48 chapter. The department may adopt rules, and take
49 action based on the rules, to conform the requirements
50 for receipt of retirement benefits under this chapter

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1 to the mandates of applicable federal statutes and
2 regulations.

3 Prior to the adoption of rules, the department may
4 establish interim written policies and procedures, and
5 take action based on the policies and procedures, to
6 conform the requirements for receipt of retirement
7 benefits under this chapter to the applicable
8 requirements of federal law.

9 Sec. 7. Section 97B.17, unnumbered paragraph 1,
10 Code 1995, is amended to read as follows:

11 The department shall establish and maintain records
12 of each member, including but not limited to, the
13 amount of wages of each member, the contribution of
14 each member with interest, and interest dividends
15 credited. The records may be maintained in paper,
16 magnetic, or electronic form, including optical disk
17 storage. These records are the basis for the
18 compilation of the retirement benefits provided under
19 this chapter. The following records maintained under
20 this chapter containing personal identifiable
21 information are not public records for the purposes of
22 chapter 22:

23 Sec. 8. Section 97B.17, Code 1995, is amended by
24 adding the following new unnumbered paragraph:
25 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
26 provisions of chapter 22 to the contrary, the
27 department's records may be released to any political
28 subdivision, instrumentality, or other agency of the
29 state solely for use in a civil or criminal law
30 enforcement activity pursuant to the requirements of
31 this paragraph. To obtain the records, the political
32 subdivision, instrumentality, or agency shall, in
33 writing, certify that the activity is authorized by
34 law, provide a written description of the information
35 desired, and describe the law enforcement activity for
36 which the information is sought. The department shall
37 not be civilly or criminally liable for the release or
38 rerelease of records in accordance with this
39 paragraph.

40 Sec. 9. Section 97B.25, Code 1995, is amended to
41 read as follows:

42 97B.25 APPLICATIONS FOR BENEFITS.

43 A representative designated by the chief benefits
44 officer and referred to in this chapter as a
45 retirement benefits specialist shall promptly examine
46 applications for retirement benefits and on the basis
47 of facts found shall determine whether or not the
48 claim is valid and if valid, the month with respect to
49 which benefits shall commence, the monthly benefit
50 amount payable, and the maximum duration. The

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1 retirement benefits specialist shall promptly notify
2 the applicant and any other interested party of the
3 decision and the reasons. Unless the applicant or
4 other interested party, within thirty calendar days
5 after the notification was mailed to the applicant's
6 or party's last known address, files an appeal as
7 provided in section 97B.20A, the decision is final and
8 benefits shall be paid or denied in accord with the
9 decision. A retirement application shall not be
10 amended or revoked by the member once the first
11 retirement allowance is paid. A member's death during
12 the first month of entitlement shall not invalidate an
13 approved application.

14 Sec. 10. Section 97B.39, Code 1995, is amended to
15 read as follows:

16 97B.39 RIGHTS NOT TRANSFERABLE — NOT OR SUBJECT
17 TO LEGAL PROCESS — EXCEPTIONS.

18 The right of any person to any future payment under
19 this chapter is not transferable or assignable, at law
20 or in equity, and the moneys paid or payable or rights
21 existing under this chapter are not subject to
22 execution, levy, attachment, garnishment, or other
23 legal process, or to the operation of any bankruptcy
24 or insolvency law except for the purposes of enforcing
25 child, spousal, or medical support obligations or
26 marital property orders. For the purposes of
27 enforcing child, spousal, or medical support
28 obligations, the garnishment or attachment of or the
29 execution against compensation due a person under this
30 chapter 97B shall not exceed the amount specified in
31 15 U.S.C. § 1673(b). The department shall comply with
32 the provisions of a marital property order requiring
33 the selection of a particular benefit option,
34 designated beneficiary, or contingent annuitant if the
35 selection is otherwise authorized by this chapter and
36 the member has not received payment of the member's
37 first retirement allowance. However, a marital
38 property order shall not require the payment of
39 benefits to an alternative payee prior to the member's
40 retirement, prior to the date the member elects to
41 receive a lump sum distribution of accumulated
42 contributions pursuant to section 97B.53, or in an
43 amount that exceeds the benefits the member would
44 otherwise be eligible to receive pursuant to this
45 chapter.

46 Sec. 11. Section 97B.41, subsection 2, Code
47 Supplement 1995, is amended to read as follows:

48 2. "Accumulated contributions" means the total
49 obtained as of any date, by accumulating each
50 individual contribution by the member at two percent

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1 with interest plus interest dividends as provided in
2 section 97B.70, for all completed calendar years and
3 for any completed calendar year for which the interest
4 dividend has not been declared and for completed
5 months of partially completed calendar years at two
6 percent interest plus the interest dividend rate
7 calculated for the previous year, compounded annually,
8 from the end of the calendar year in which such
9 contribution was made to the first day of the month of
10 such date as provided in section 97B.70.

11 Sec. 12. Section 97B.41, subsection 8, paragraph
12 b, subparagraph (6), Code Supplement 1995, is amended
13 to read as follows:

14 (6) Employees hired for temporary employment of
15 less than six months or one thousand and forty hours
16 in a calendar year. An employee who works for an
17 employer for six or more months in a calendar year or
18 who works for an employer for more than one thousand
19 forty hours in a calendar year is not a temporary
20 employee under this subparagraph. Adjunct instructors
21 are temporary employees for the purposes of this
22 chapter. As used in this section, unless the context
23 otherwise requires, "adjunct instructors" means
24 instructors employed by a community college or a
25 university governed by the state board of regents
26 without a continuing contract, whose teaching load
27 does not exceed one-half time for two full semesters
28 or three full quarters per calendar year.

29 Sec. 13. Section 97B.41, subsection 8, paragraph
30 b, Code Supplement 1995, is amended by adding the
31 following new subparagraph:

32 NEW SUBPARAGRAPH. (20) Persons employed through
33 any program described in section 15.225, subsection 1,
34 and provided by the Iowa conservation corps.

35 Sec. 14. Section 97B.41, Code Supplement 1995, is
36 amended by adding the following new subsection:

37 NEW SUBSECTION. 10A. "Internal Revenue Code"
38 means the Internal Revenue Code as defined in section
39 422.3.

40 Sec. 15. Section 97B.41, subsection 12, Code
41 Supplement 1995, is amended to read as follows:

42 12. "Membership service" means service rendered by
43 a member after July 4, 1953. Years of membership
44 service shall be counted to the complete quarter
45 calendar year. However, membership service for a
46 calendar year shall not include more than four
47 quarters. In determining a member's period of
48 membership service, the department shall combine all
49 periods of service for which the member has made
50 contributions. If the department has not maintained

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1 the accumulated contribution account of the member for
2 a period of service, as provided pursuant to section
3 97B.53, subsection 6, the department shall credit the
4 member for the service if the member submits
5 satisfactory proof to the department that the member
6 did make the contributions for the period of service
7 and did not take a refund for the period of service.
8 ~~However, the department shall not implement the~~
9 ~~amendments to this subsection, as enacted in 1994 Iowa~~
10 ~~Acts, chapter 1183, unless and until the department~~
11 ~~determines that the most recent annual actuarial~~
12 ~~valuation of the retirement system indicates that the~~
13 ~~employer and employee contribution rates in effect~~
14 ~~under section 97B.11 can absorb the amendments to this~~
15 ~~subsection and to section 97B.53, subsections 3 and 7,~~
16 ~~section 97B.53, subsection 6, unnumbered paragraph 1,~~
17 ~~and section 97B.70, by enacting a new subsection 4,~~
18 ~~contained in 1994 Iowa Acts, chapter 1183, after~~
19 ~~meeting the other established priorities of the~~
20 ~~system. Until the amendments are implemented, the~~
21 ~~department shall continue to implement the provisions~~
22 ~~of section 97B.41, subsection 12, Code Supplement~~
23 ~~1993. As used in this subsection, unless the context~~
24 ~~otherwise requires, "other established priorities of~~
25 ~~the system" means that commencing January 1 following~~
26 ~~the most recent annual actuarial valuation of the~~
27 ~~system, the department has increased the covered wage~~
28 ~~limitation from the previous year by three thousand~~
29 ~~dollars, in accordance with section 97B.41, subsection~~
30 ~~20, paragraph "b", subparagraph (11), and that the~~
31 ~~department has implemented the amendments to section~~
32 ~~97B.66, unnumbered paragraphs 1 and 2, section 97B.72,~~
33 ~~unnumbered paragraphs 1 and 2, section 97B.72A,~~
34 ~~subsection 1, unnumbered paragraph 1, section 97B.73A,~~
35 ~~unnumbered paragraph 1, and section 97B.74, unnumbered~~
36 ~~paragraphs 1 and 2, contained in 1994 Iowa Acts,~~
37 ~~chapter 1183.~~

38 Sec. 16. Section 97B.41, Code Supplement 1995, is
39 amended by adding the following new subsection:
40 NEW SUBSECTION. 13A. "Regular service" means
41 service for an employer other than special service.

42 Sec. 17. Section 97B.41, Code Supplement 1995, is
43 amended by adding the following new subsection:
44 NEW SUBSECTION. 14A. "Retirement" means that
45 period of time beginning when a member who has filed
46 an approved application for a retirement allowance has
47 survived into at least the first day of the member's
48 first month of entitlement and ending when the member
49 dies.

50 Sec. 18. Section 97B.41, subsection 15, paragraphs

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1 a and b, Code Supplement 1995, are amended to read as
2 follows:

3 a. Service in the armed forces of the United
4 States, if the employee was employed by the employer
5 immediately prior to entry into the armed forces, and
6 if the employee was released from service and returns
7 to covered employment with the employer within twelve
8 months of the date on which the employee has the right
9 of release from service or within a longer period as
10 ~~provided~~ required by the applicable laws of the United
11 States.

12 b. Leave of absence or vacation authorized by the
13 employer for a period not exceeding twelve months. A
14 leave of absence authorized pursuant to the
15 requirements of the federal Family and Medical Leave
16 Act of 1993 is considered a leave of absence
17 authorized by the employer.

18 Sec. 19. Section 97B.41, Code Supplement 1995, is
19 amended by adding the following new subsection:
20 NEW SUBSECTION. 16A. "Special service" means
21 service for an employer while employed in a protection
22 occupation as provided in section 97B.49, subsection
23 16, paragraph "a", and as a county sheriff, deputy
24 sheriff, or airport fire fighter as provided in
25 section 97B.49, subsection 16, paragraph "b".

26 Sec. 20. Section 97B.41, subsection 18, Code
27 Supplement 1995, is amended to read as follows:

28 18. a. "Three-year average covered wage" means a
29 member's covered wages averaged for the highest three
30 years of the member's service, except as otherwise
31 provided in this subsection. The highest three years
32 of a member's covered wages shall be determined using
33 calendar years. However, if a member's final quarter
34 of a year of employment does not occur at the end of a
35 calendar year, the department may determine the wages
36 for the third year by computing the average quarter of
37 all quarters from the member's highest calendar year
38 of covered wages not being used in the selection of
39 the two highest years and using the computed average
40 quarter for each quarter in the third year in which no
41 wages have been reported in combination with the final
42 quarter or quarters of the member's service to create
43 a full year. However, the department shall not use
44 the member's final quarter of wages if using that
45 quarter would reduce the member's three-year average
46 covered wage. If the three-year average covered wage
47 of a member exceeds the highest maximum covered wages
48 in effect for a calendar year during the member's
49 period of service, the three-year average covered wage
50 of the member shall be reduced to the highest maximum

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1 covered wages in effect during the member's period of
2 service.

3 b. Notwithstanding any other provisions of this
4 subsection to the contrary, the three-year average
5 covered wage shall be computed as follows for the
6 following members:

7 (1) For a member who retires during the calendar
8 year beginning January 1, 1997, and whose three-year
9 average covered wage at the time of retirement exceeds
10 forty-eight thousand dollars, the member's covered
11 wages averaged for the highest four years of the
12 member's service or forty-eight thousand dollars,
13 whichever is greater.

14 (2) For a member who retires during the calendar
15 year beginning January 1, 1998, and whose three-year
16 average covered wage at the time of retirement exceeds
17 fifty-two thousand dollars, the member's covered wages
18 averaged for the highest five years of the member's
19 service or fifty-two thousand dollars, whichever is
20 greater.

21 (3) For a member who retires during the calendar
22 year beginning January 1, 1999, and whose three-year
23 average covered wage at the time of retirement exceeds
24 fifty-five thousand dollars, the member's covered
25 wages averaged for the highest six years of the
26 member's service or fifty-five thousand dollars,
27 whichever is greater.

28 (4) For a member who retires on or after January
29 1, 2000, but before January 1, 2003, and whose three-
30 year average covered wage at the time of retirement
31 exceeds fifty-five thousand dollars, the member's
32 covered wages averaged for the highest seven years of
33 the member's service or fifty-five thousand dollars,
34 whichever is greater.

35 For purposes of this paragraph, the highest years
36 of the member's service shall be determined using
37 calendar years and may be determined using one
38 computed year calculated in the manner and subject to
39 the restrictions provided in paragraph "a".

40 Sec. 21. Section 97B.41, subsection 20, paragraph
41 b, subparagraph (11), unnumbered paragraphs 1 and 2,
42 Code Supplement 1995, are amended by striking the
43 unnumbered paragraphs and inserting in lieu thereof
44 the following:

45 (11) For the calendar year beginning January 1,
46 1991, wages not in excess of thirty-one thousand
47 dollars.

48 (11A) For the calendar year beginning January 1,
49 1992, wages not in excess of thirty-four thousand
50 dollars.

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1 (11B) For the calendar year beginning January 1,
2 1993, wages not in excess of thirty-five thousand
3 dollars.

4 (11C) For the calendar year beginning January 1,
5 1994, wages not in excess of thirty-eight thousand
6 dollars.

7 (11D) For the calendar year beginning January 1,
8 1995, wages not in excess of forty-one thousand
9 dollars.

10 (11E) For the calendar year beginning January 1,
11 1996, wages not in excess of forty-four thousand
12 dollars.

13 (11F) Commencing with the calendar year beginning
14 January 1, 1997, and for each subsequent calendar
15 year, wages not in excess of the amount permitted for
16 that year under section 401(a)(17) of the Internal
17 Revenue Code.

18 Sec. 22. Section 97B.41, subsection 20, paragraph
19 b, subparagraph (11), unnumbered paragraph 3, Code
20 Supplement 1995, is amended to read as follows:

21 Notwithstanding any other provision of this chapter
22 providing for the payment of the benefits provided in
23 section 97B.49, subsection 16 or 17, the department
24 shall establish the covered wages limitation which
25 applies to members covered under section 97B.49,
26 subsection 16 or 17, at the same level as is
27 established under this subparagraph for other members
28 of the system.

29 Sec. 23. Section 97B.42, unnumbered paragraph 1,
30 Code 1995, is amended to read as follows:

31 Each employee whose employment commences after July
32 4, 1953, or who has not qualified for credit for prior
33 service rendered prior to July 4, 1953, or any
34 publicly elected official of the state or any of its
35 political subdivisions shall become a member upon the
36 first day in which such employee is employed. The
37 employee shall continue to be an active member so long
38 as the employee continues in covered employment. The
39 employee shall cease to be an active member if the
40 employee joins another retirement system in the state
41 which is maintained in whole or in part by public
42 contributions or payments and receives retirement
43 credit for service in that other system for the same
44 position previously covered under this chapter. If an
45 employee joins another publicly maintained retirement
46 system and ceases to be an active member under this
47 chapter, the employee may elect to leave the
48 employee's accumulated contributions in the retirement
49 fund or receive a refund of the employee's accumulated
50 contributions in the manner provided for members who

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1 are terminating covered employment pursuant to section
2 97B.53. However, if an employee joins another
3 publicly maintained retirement system and leaves the
4 employee's accumulated contributions in the retirement
5 fund, the employee shall not be eligible to receive
6 retirement benefits until the employee has a bona fide
7 retirement from employment with a covered employer as
8 provided in section 97B.52A, or until the employee
9 would otherwise be eligible to receive benefits upon
10 attaining the age of seventy years as provided in
11 section 97B.46.

12 Sec. 24. Section 97B.42, unnumbered paragraph 4,
13 Code 1995, is amended to read as follows:

14 Persons who are members of any other retirement
15 system in the state which is maintained in whole or in
16 part by public contributions other than persons who
17 are covered under the provisions of chapter 97, Code
18 1950, as amended by the Fifty-fourth General Assembly
19 on the date of the repeal of said chapter, under the
20 provisions of sections 97.50 through 97.53 shall not
21 become members under this chapter while still actively
22 participating in that other retirement system unless
23 the persons do not receive retirement credit for
24 service in that other system for the position to be
25 covered under this chapter.

26 Sec. 25. Section 97B.42, unnumbered paragraph 5,
27 Code 1995, is amended to read as follows:

28 Nothing herein contained shall be construed to
29 permit ~~any person in public employment to be an active~~
30 ~~member of employer to make any public contributions or~~
31 ~~payments on behalf of an employee in the same position~~
32 ~~for the same period of time to both the Iowa public~~
33 ~~employees' retirement system and of any other~~
34 ~~retirement system in the state which is supported in~~
35 ~~whole or in part by public contributions or payments~~
36 ~~except as heretofore provided.~~

37 Sec. 26. Section 97B.42, Code 1995, is amended by
38 adding the following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. For purposes of this
40 section, a "retirement system in the state which is
41 maintained in whole or in part by public contributions
42 or payments" shall not include a deferred compensation
43 plan established under section 509A.12 or a tax-
44 sheltered annuity qualified under section 403(b) of
45 the Internal Revenue Code.

46 Sec. 27. Section 97B.48, subsection 1, Code 1995,
47 is amended to read as follows:

48 1. Retirement allowances shall be paid monthly,
49 except that an allowance of less than six hundred
50 dollars a year may, at the member's option, be paid as

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1 a lump sum in an actuarial equivalent amount equal to
2 the sum of the member's and employer's accumulated
3 contributions and the retirement dividends standing to
4 the member's credit before December 31, 1966. Receipt
5 of the lump-sum payment by a member shall terminate
6 any and all entitlement for the period of service
7 covered of the member under this chapter.

8 Sec. 28. Section 97B.48A, subsection 1, Code 1995,
9 is amended to read as follows:

10 1. ~~If, after the first day of the month in which~~
11 ~~the member attains the age of fifty five years and~~
12 ~~until the member's sixty-fifth birthday, a member who~~
13 has not reached the member's sixty-fifth birthday and
14 who has a bona fide retirement under this chapter is
15 in regular full-time employment during a calendar
16 year, the member's retirement allowance shall be
17 suspended for as long as the member remains in
18 employment for the remainder of that calendar year
19 reduced by fifty cents for each dollar the member
20 earns over the limit provided in this subsection.
21 However, effective January 1, 1992, employment is not
22 full-time employment until the member receives
23 remuneration in an amount in excess of seven thousand
24 four hundred forty dollars for a calendar year, or an
25 amount equal to the amount of remuneration permitted
26 for a calendar year for persons under sixty-five years
27 of age before a reduction in federal Social Security
28 retirement benefits is required, whichever is higher.

29 Effective the first of the month in which a member
30 attains the age of sixty-five years, a retired member
31 may receive a retirement allowance without a reduction
32 after return to covered employment regardless of the
33 amount of remuneration received.

34 If a member dies and the full amount of the
35 reduction from retirement allowances required under
36 this subsection has not been paid, the remaining
37 amounts shall be deducted from the payments made, if
38 any, to the member's designated beneficiary or
39 contingent annuitant. If the member has selected an
40 option under which remaining payments are not required
41 or the remaining payments are insufficient to satisfy
42 the full amount of the reduction from retirement
43 allowances required under this subsection, the amount
44 still unpaid shall be a claim against the member's
45 estate.

46 Sec. 29. Section 97B.48A, subsection 4, Code 1995,
47 is amended to read as follows:

48 4. The department shall pay to the member the
49 accumulated contributions of the member and to the
50 employer the employer contributions, plus ~~two percent~~

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1 interest plus interest dividends as provided in
2 section 97B.70, for all completed calendar years,
3 compounded annually as provided in section 97B.70, on
4 the covered wages earned by a retired member that are
5 not used in the recalculation of the retirement
6 allowance of a member.

7 Sec. 30. Section 97B.49, subsection 4, Code
8 Supplement 1995, is amended by adding the following
9 new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. Effective January 1,
11 1997, for members who retired on or after July 1,
12 1953, and before July 1, 1990, with at least ten years
13 of prior and membership service, the minimum monthly
14 benefit payable at the normal retirement date for
15 prior and membership service shall be two hundred
16 dollars. The minimum monthly benefit payable shall be
17 increased by ten dollars for each year of prior and
18 membership service beyond ten years, up to a maximum
19 of twenty additional years of prior and membership
20 service. If benefits commenced on an early retirement
21 date, the amount of the benefit shall be reduced in
22 accordance with section 97B.50. If an optional
23 allowance was selected under section 97B.51, the
24 amount payable shall be the actuarial equivalent of
25 the minimum benefit.

26 Sec. 31. Section 97B.49, subsection 5, paragraph
27 b, Code Supplement 1995, is amended to read as
28 follows:

29 b. For each active or inactive vested member
30 retiring on or after July 1, 1990, with four or more
31 complete years of service, a monthly benefit shall be
32 computed which is equal to one-twelfth of an amount
33 equal to ~~fifty-two percent~~ the applicable percentage
34 multiplier of the three-year average covered wage
35 multiplied by a fraction of years of service. The
36 applicable percentage multiplier shall be the
37 following:

38 (1) For active or inactive vested members retiring
39 on or after July 1, 1990, but before July 1, 1991,
40 fifty-two percent.

41 (2) For active or inactive vested members retiring
42 on or after July 1, 1991, but before July 1, 1992,
43 fifty-four percent.

44 (3) For active or inactive vested members retiring
45 on or after July 1, 1992, but before July 1, 1993,
46 fifty-six percent.

47 (4) For active or inactive vested members retiring
48 on or after July 1, 1993, but before July 1, 1994,
49 fifty-seven and four-tenths percent.

50 (5) For active or inactive vested members retiring

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1 on or after July 1, 1994, sixty percent.

2 The applicable percentage multiplier shall be
3 subject to adjustments as provided in paragraph "e".

4 ~~Commencing July 1, 1991, the department shall~~
5 ~~increase the percentage multiplier of the three-year~~
6 ~~average covered wage by an additional two percent each~~
7 ~~July 1 until reaching sixty percent of the three-year~~
8 ~~average covered wage if the annual actuarial valuation~~
9 ~~of the retirement system indicates for that year that~~
10 ~~the cost of this increase in the percentage of the~~
11 ~~three-year average covered wage used in computing~~
12 ~~retirement benefits can be absorbed within the~~
13 ~~employer and employee contribution rates in effect~~
14 ~~under section 97B.11. However, commencing July 1,~~
15 ~~1994, if the annual actuarial valuation of the~~
16 ~~retirement system indicates that the employer and~~
17 ~~employee contribution rates in effect under section~~
18 ~~97B.11 can absorb an increase in the percentage~~
19 ~~multiplier in excess of two percent, the department~~
20 ~~shall increase the percentage multiplier for that year~~
21 ~~beyond two percent to the extent which the increase~~
22 ~~can be absorbed by the contribution rates in effect,~~
23 ~~not to exceed a maximum percentage multiplier of sixty~~
24 ~~percent. The increase in the percentage multiplier~~
25 ~~for a year applies only to the members retiring on or~~
26 ~~after July 1 of the respective year.~~

27 ~~If the annual actuarial valuation of the retirement~~
28 ~~system in any year indicates that the full cost of the~~
29 ~~increase provided under this paragraph cannot be~~
30 ~~absorbed within the employer and employee contribution~~
31 ~~rates in effect under section 97B.11, the department~~
32 ~~shall reduce the increase to a level which the~~
33 ~~department determines can be so absorbed.~~

34 ~~Notwithstanding any other provision of this chapter~~
35 ~~providing for the payment of the benefits provided in~~
36 ~~subsection 16 or 17, the department shall establish~~
37 ~~apply the percentage multiplier which applies to~~
38 ~~members covered under subsection 16 or 17 at the same~~
39 ~~level as is established under this subsection for~~
40 ~~other members of the system, including any~~
41 ~~modification in the percentage multiplier as provided~~
42 ~~in paragraph "e".~~

43 ~~By November 15, 1995, the department shall set~~
44 ~~aside from other moneys in the retirement fund three~~
45 ~~million eight hundred sixty thousand dollars. The~~
46 ~~moneys set aside shall be from the funds generated by~~
47 ~~the employer and employee contributions in effect~~
48 ~~under section 97B.11 that exceed the amount necessary~~
49 ~~to fund the system's existing liabilities, as~~
50 ~~determined in the annual actuarial valuation of the~~

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1 system as of June 30, 1995. If the annual actuarial
2 valuation indicates that the amount of the employer
3 and employee contributions in excess of the amount
4 necessary to fund existing liabilities is less than
5 three million eight hundred sixty thousand dollars, -
6 the department shall set aside all funds that are
7 available. The funds set aside shall not be used in
8 determining the covered wage limitation pursuant to
9 section 97B.41, subsection 20, paragraph "b",
10 subparagraph (11), on January 1, 1996. However, any
11 funds set aside which are not specifically dedicated
12 to a purpose by the Seventy-sixth General Assembly
13 shall be used in determining the covered wage
14 limitation thereafter.

15 In accordance with sections 97D.1 and 97D.4, it is
16 the intent of the general assembly that once the goal
17 of sixty percent of the three year average covered
18 wage is attained for a percentage multiplier, the
19 department shall submit to the public retirement
20 systems committee a plan for future benefit
21 enhancements. This plan shall include, but is not
22 limited to, continuation in the increase in the
23 covered wage ceiling until reaching fifty-five
24 thousand dollars for a calendar year, providing for
25 annual adjustments in the annual dividends paid to
26 retired members as provided in section 97B.49,
27 subsection 13, and providing for the indexing of
28 terminated vested members' earned benefits at a rate
29 of three percent per year calculated from the date of
30 termination from covered employment until the date of
31 retirement.

32 Sec. 32. Section 97B.49, subsection 5, Code
33 Supplement 1995, is amended by adding the following
34 new paragraph:

35 **NEW PARAGRAPH.** e. Notwithstanding any other
36 provisions of this section to the contrary, for
37 members retiring on or after July 1, 1997, and whose
38 three-year average covered wage exceeds fifty-five
39 thousand dollars, the monthly benefit shall be
40 calculated by multiplying the sum of the following
41 amounts by the fractions of years of service for that
42 member.

43 (1) For the first fifty-five thousand dollars of
44 the member's three-year average covered wage, one-
45 twelfth of an amount equal to the applicable
46 percentage multiplier otherwise provided in this
47 subsection multiplied by fifty-five thousand dollars.

48 (2) For that portion of a member's three-year
49 average covered wage that exceeds fifty-five thousand
50 dollars but is less than or equal to sixty-five

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1 thousand dollars, one-twelfth of an amount equal to
2 the applicable percentage multiplier otherwise
3 provided in this subsection, reduced by ten percentage
4 points, multiplied by that portion.

5 (3) For that portion of a member's three-year
6 average covered wage that exceeds sixty-five thousand
7 dollars but is less than or equal to seventy-five
8 thousand dollars, one-twelfth of an amount equal to
9 the applicable percentage multiplier otherwise
10 provided in this subsection, reduced by fifteen
11 percentage points, multiplied by that portion.

12 (4) For that portion of a member's three-year
13 average covered wage that exceeds seventy-five
14 thousand dollars but is less than or equal to eighty-
15 five thousand dollars, one-twelfth of an amount equal
16 to the applicable percentage multiplier otherwise
17 provided in this subsection, reduced by twenty
18 percentage points, multiplied by that portion.

19 (5) For that portion of a member's three-year
20 average covered wage that exceeds eighty-five thousand
21 dollars but is less than or equal to ninety-five
22 thousand dollars, one-twelfth of an amount equal to
23 the applicable percentage multiplier otherwise
24 provided in this subsection, reduced by thirty
25 percentage points, multiplied by that portion.

26 (6) For that portion of a member's three-year
27 average covered wage that exceeds ninety-five thousand
28 dollars, one-twelfth of an amount equal to the
29 applicable percentage multiplier otherwise provided in
30 this subsection, reduced by forty percentage points,
31 multiplied by that portion.

32 The covered wage categories referred to in
33 subparagraphs (1) through (6) of this paragraph and
34 the fifty-five thousand dollar amount otherwise
35 specified in this paragraph shall be increased by the
36 department for each fiscal year, beginning July 1,
37 1998, by an amount that represents the increase in the
38 consumer price index during the previous twelve-month
39 period ending on June 30, as published annually in the
40 federal register by the federal department of labor,
41 bureau of labor statistics.

42 Sec. 33. Section 97B.49, subsection 13, Code
43 Supplement 1995, is amended to read as follows:

44 13. a. A member who retired from the system
45 between January 1, 1976, and June 30, 1982, or a
46 contingent annuitant or beneficiary of such a member,
47 shall receive with the November ~~1994~~ 1996 and the
48 November ~~1995~~ 1997 monthly benefit payments a
49 retirement dividend equal to ~~one~~ two hundred ~~eighty-~~
50 ~~one~~ twenty-three percent of the monthly benefit

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1 payment the member received for the preceding June, or
2 the most recently received benefit payment, whichever
3 is greater. The retirement dividend does not affect
4 the amount of a monthly benefit payment.

5 b. Each member who retired from the system between
6 July 4, 1953, and December 31, 1975, or a contingent
7 annuitant or beneficiary of such a member, shall
8 receive with the November ~~1994~~ 1996 and the November
9 ~~1995~~ 1997 monthly benefit payments a retirement
10 dividend equal to two hundred ~~thirty-six~~ ninety-two
11 percent of the monthly benefit payment the member
12 received for the preceding June, or the most recently
13 received benefit payment, whichever is greater. The
14 retirement dividend does not affect the amount of a
15 monthly benefit payment.

16 c. Notwithstanding the determination of the amount
17 of a retirement dividend under paragraph "a", "b",
18 "d", or "f", a retirement dividend shall not be less
19 than twenty-five dollars.

20 d. A member who retired from the system between
21 July 1, 1982, and June 30, 1986, or a contingent
22 annuitant or beneficiary of such a member, shall
23 receive with the November ~~1994~~ 1996 and the November
24 ~~1995~~ 1997 monthly benefit payments a retirement
25 dividend equal to ~~forty-nine~~ seventy-four percent of
26 the monthly benefit payment the member received for
27 the preceding June, or the most recently received
28 benefit payment, whichever is greater. The retirement
29 dividend does not affect the amount of a monthly
30 benefit payment.

31 e. If the member dies on or after July 1 of the
32 dividend year but before the payment date, the full
33 amount of the retirement dividend for that year shall
34 be paid ~~to the designated beneficiary to the member's~~
35 account, upon notification of the member's death. If
36 ~~there is no beneficiary designated by the member, the~~
37 ~~department shall pay the dividend to the member's~~
38 ~~estate. The beneficiary, or the representative of the~~
39 ~~member's estate, must apply for the dividend within~~
40 ~~two years after the dividend is payable or the~~
41 ~~dividend is forfeited.~~

42 f. A member who retired from the system between
43 July 1, 1986, and June 30, 1990, or a contingent
44 annuitant or beneficiary of such a member, shall
45 receive with the November 1996 and the November 1997
46 monthly benefit payments a retirement dividend ~~in an~~
47 amount determined by the general assembly equal to
48 twenty-four percent of the monthly benefit payment the
49 member received for the preceding June, or the most
50 recently received benefit payment, whichever is

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1 greater. The retirement dividend does not affect the
2 amount of a monthly benefit payment.

3 Sec. 34. Section 97B.49, subsection 16, paragraph
4 e, Code Supplement 1995, is amended to read as
5 follows:

6 e. Annually, the department of personnel shall
7 actuarially determine the cost of the additional
8 benefits provided for members covered under paragraph
9 "a" and the cost of the additional benefits provided
10 for members covered under paragraph "b" as percents of
11 the covered wages of the employees covered by this
12 subsection. Sixty percent of the cost shall be paid
13 by the employers of employees covered under this
14 subsection and forty percent of the cost shall be paid
15 by the employees. The employer and employee
16 contributions required under this paragraph are in
17 addition to the contributions paid under ~~section~~
18 sections 97B.11 and 97B.11A.

19 Sec. 35. Section 97B.49, subsection 16, Code
20 Supplement 1995, is amended by adding the following
21 new paragraph:

22 NEW PARAGRAPH. m. For the fiscal year commencing
23 July 1, 1992, and each succeeding fiscal year, the
24 department of public safety shall pay to the
25 department of personnel from funds appropriated to the
26 department of public safety, the amount necessary to
27 pay the employer share of the cost of the additional
28 benefits provided to a fire prevention inspector peace
29 officer pursuant to paragraph "d", subparagraph (8).

30 Sec. 36. Section 97B.49, Code Supplement 1995, is
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 17. a. An active or inactive
33 vested member, who is or has been employed in both
34 special service and regular service, who retires on or
35 after July 1, 1996, with four or more completed years
36 of service and at the time of retirement is at least
37 fifty-five years of age, may elect to receive, in lieu
38 of the receipt of any other benefits under this
39 section, a combined monthly retirement allowance equal
40 to the sum of the following:

41 (1) One-twelfth of an amount equal to the
42 applicable percentage multiplier established in
43 subsection 5 of the member's three-year average
44 covered wage multiplied by a fraction of years of
45 service. The fraction of years of service for
46 purposes of this subparagraph shall be the actual
47 years of service, not to exceed twenty-two, earned in
48 a position described in subsection 16, paragraph "b",
49 for which special service contributions were made,
50 divided by twenty-two.

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1 (2) One-twelfth of an amount equal to the
2 applicable percentage multiplier established in
3 subsection 5 of the member's three-year average
4 covered wage multiplied by a fraction of years of
5 service. The fraction of years of service for
6 purposes of this subparagraph shall be the actual
7 years of service, not to exceed twenty-five, earned in
8 a position described in subsection 16, paragraph "a",
9 for which special service contributions were made,
10 divided by twenty-five.

11 (3) One-twelfth of an amount equal to the
12 applicable percentage multiplier established in
13 subsection 5 of the member's three-year average
14 covered wage multiplied by a fraction of years of
15 service. The fraction of years of service for
16 purposes of this subparagraph shall be the actual
17 years of service, not to exceed thirty, for which
18 regular service contributions were made, divided by
19 thirty. However, any otherwise applicable age
20 reduction for early retirement shall apply to the
21 calculation under this subparagraph.

22 In calculating the fractions of years of service
23 under subparagraphs (1) and (2), a member shall not
24 receive special service credit for years of service
25 for which the member and the member's employer did not
26 make the required special service contributions to the
27 department.

28 b. In calculating the combined monthly retirement
29 allowance pursuant to paragraph "a", the sum of the
30 fraction of years of service provided in paragraph
31 "a", subparagraphs (1), (2), and (3), shall not exceed
32 one. If the sum of the fractions of years of service
33 would exceed one, the department shall deduct years of
34 service first from the calculation under paragraph
35 "a", subparagraph (3), and then from the calculation
36 under paragraph "a", subparagraph (2), if necessary,
37 so that the sum of the fractions of years of service
38 shall equal one.

39 c. In calculating the combined monthly retirement
40 allowance pursuant to paragraph "a", for members
41 retiring on or after July 1, 1997, whose three-year
42 average covered wage exceeds fifty-five thousand
43 dollars, each calculation under paragraph "a",
44 subparagraphs (1), (2), and (3) of this subsection
45 shall be subject to reduction, calculated in the
46 manner provided in subsection 5, paragraph "e".

47 Sec. 37. Section 97B.50, subsection 2, Code 1995,
48 is amended to read as follows:

49 2. a. A vested member who retires from the system
50 due to disability and commences receiving disability

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1 benefits pursuant to the federal Social Security Act,
2 42 U.S.C. § 423 et seq., and who has not reached the
3 normal retirement date, shall receive benefits under
4 section 97B.49 and shall not have benefits reduced
5 upon retirement as required under subsection 1
6 regardless of whether the member has completed thirty
7 or more years of membership service. However, the
8 benefits shall be suspended during any period in which
9 the member returns to covered employment. This
10 section takes effect July 1, 1990, for a member
11 meeting the requirements of this paragraph who retired
12 from the system at any time after July 4, 1953.

13 Eligible members are entitled to the receipt of
14 retroactive adjustment payments back to July 1, 1990,
15 notwithstanding the requirements of subsection 4.

16 b. A vested member who retires from the system due
17 to disability and commences receiving disability
18 benefits pursuant to the federal Railroad Retirement
19 Act, 45 U.S.C. § 231 et seq., and who has not reached
20 the normal retirement date, shall receive benefits
21 under section 97B.49 and shall not have benefits
22 reduced upon retirement as required under subsection 1
23 regardless of whether the member has completed thirty
24 or more years of membership service. However, the
25 benefits shall be suspended during any period in which
26 the member returns to covered employment. This
27 section takes effect July 1, 1990, for a member
28 meeting the requirements of this paragraph who retired
29 from the system at any time since July 4, 1953.

30 Eligible members are entitled to the receipt of
31 retroactive adjustment payments back to July 1, 1990,
32 notwithstanding the requirements of subsection 4.

33 Sec. 38. Section 97B.51, subsection 3, Code
34 Supplement 1995, is amended to read as follows:

35 3. A member who had elected to take the option
36 stated in subsection 1 of this section may, at any
37 time prior to retirement, revoke such an election by
38 written notice to the department. A member shall not
39 change or revoke an election once the first retirement
40 allowance is paid.

41 Sec. 39. Section 97B.51, subsection 5, Code
42 Supplement 1995, is amended to read as follows:

43 5. At retirement, a member may designate that upon
44 the member's death, a specified amount of money shall
45 be paid to a named beneficiary, and the member's
46 monthly retirement allowance shall be reduced by an
47 actuarially determined amount to provide for the lump
48 sum payment. The amount designated by the member must
49 be in thousand dollar increments, ~~and the~~ and shall be
50 limited to the amount of the member's accumulated

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1 contributions. The amount designated shall not lower
2 the monthly retirement allowance of the member by more
3 than one-half the amount payable under section 97B.49,
4 subsection 1 or 5. A member may designate a different
5 beneficiary if the original named beneficiary
6 predeceases the member.

7 Sec. 40. Section 97B.51, subsection 6, Code
8 Supplement 1995, is amended to read as follows:

9 6. A member may elect to receive a decreased
10 retirement allowance during the member's lifetime with
11 provision that in event of the member's death during
12 the first one hundred twenty months of retirement,
13 monthly payments of the member's decreased retirement
14 allowance shall be made to the member's beneficiary
15 until a combined total of one hundred twenty monthly
16 payments have been made to the member and the member's
17 beneficiary. When the member designates multiple
18 beneficiaries, the present value of the remaining
19 payments shall be paid in a lump sum to each
20 beneficiary, either in equal shares to the
21 beneficiaries, or if the member specifies otherwise in
22 a written request, in the specified proportion. A
23 member may designate a different beneficiary if the
24 original named beneficiary predeceases the member.

25 Sec. 41. Section 97B.52, subsection 1, Code
26 Supplement 1995, is amended to read as follows:

27 1. If a member dies prior to the member's first
28 month of entitlement, the accumulated contributions of
29 the member at the date of death plus the product of an
30 amount equal to the highest year of covered wages of
31 the deceased member and the number of years of
32 membership service divided by ~~thirty~~ the applicable
33 denominator shall be paid to the member's beneficiary
34 in a lump sum payment. However, a lump sum payment
35 made to a beneficiary under this subsection due to the
36 death of a member shall not be less than the amount
37 that would have been payable on the death of the
38 member on June 30, 1984, under this subsection as it
39 appeared in the 1983 Code.

40 As used in this subsection, "applicable
41 denominator" means the following, based upon the type
42 of membership service in which the member served
43 either on the date of death, or if the member died
44 after terminating service, on the date of the member's
45 last termination of service:

46 a. For regular service, the applicable denominator
47 is thirty.

48 b. For service in a protection occupation, as
49 defined in section 97B.49, subsection 16, paragraph
50 "d", the applicable denominator is twenty-five.

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1 c. For service as a sheriff, deputy sheriff, or
2 airport fire fighter, as provided in section 97B.49,
3 subsection 16, paragraph "b", the applicable
4 denominator is twenty-two.

5 Effective July 1, 1978, a method of payment under
6 this subsection filed with the department by a member
7 does not apply.

8 Sec. 42. Section 97B.52, subsection 3, paragraph
9 b, Code Supplement 1995, is amended to read as
10 follows:

11 b. If a death benefit is due and payable, interest
12 shall continue to accumulate through the month
13 preceding the month in which payment is made to the
14 designated beneficiary, heirs at law, or the estate
15 unless the payment of the death benefit is delayed
16 because of a dispute between alleged heirs, in which
17 case the benefit due and payable shall be placed in a
18 noninterest bearing escrow account until the
19 beneficiary is determined in accordance with this
20 section. In order to receive the death benefit, the
21 beneficiary, heirs at law, or the estate, or any other
22 third-party payee, must apply to the department within
23 ~~two~~ five years of the member's death.

24 The department shall reinstate a designated
25 beneficiary's right to receive a death benefit beyond
26 the five-year limitation if the designated beneficiary
27 was the member's spouse at the time of the member's
28 death and the distribution is required or permitted
29 pursuant to Internal Revenue Code section 401(a)(9)
30 and the applicable treasury regulations.

31 Sec. 43. Section 97B.52, subsection 5, Code
32 Supplement 1995, is amended to read as follows:

33 5. Following written notification to the
34 department, a beneficiary of a deceased member may
35 waive current and future rights to payments to which
36 the beneficiary would otherwise be entitled under
37 sections 97B.51 and this section. Upon receipt of the
38 waiver, the department shall pay ~~to the estate of the~~
39 ~~deceased member~~ the amount designated to be received
40 by the that beneficiary to the member's other
41 surviving beneficiary or beneficiaries or to the
42 estate of the deceased member, as elected by the
43 beneficiary in the waiver. If the payments being
44 waived are payable to the member's estate and an
45 estate is not probated, the payments shall be paid to
46 the deceased member's surviving spouse, or if there is
47 no surviving spouse, to the member's heirs other than
48 the beneficiary who waived the payments.

49 Sec. 44. Section 97B.52A, Code Supplement 1995, is
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 3. A member who terminates
2 covered employment but maintains an employment
3 relationship with an employer that made contributions
4 to the system on the member's behalf does not have a
5 bona fide retirement until all employment, including
6 employment which is not covered by this chapter, with
7 such employer is terminated for at least thirty days.
8 In order to receive retirement benefits, the member
9 must file a completed application for benefits form
10 with the department before returning to any employment
11 with the same employer.

12 Sec. 45. Section 97B.53, subsection 3, Code
13 Supplement 1995, is amended to read as follows:

14 3. The accumulated contributions of a terminated,
15 vested member shall be credited with interest,
16 including interest dividends, in the manner provided
17 in section 97B.70. Interest and interest dividends
18 shall be credited to the accumulated contributions of
19 members who terminate service and subsequently become
20 vested in accordance with section 97B.70. ~~However,~~
21 ~~the department shall not implement the amendments to~~
22 ~~this subsection or to subsection 6, unnumbered~~
23 ~~paragraph 1, or to subsection 7, as enacted in 1994~~
24 ~~Iowa Acts, chapter 1183, unless and until the~~
25 ~~department determines that the most recent annual~~
26 ~~actuarial valuation of the retirement system indicates~~
27 ~~that the employer and employee contribution rates in~~
28 ~~effect under section 97B.11 can absorb the amendments~~
29 ~~to these provisions of this section and the amendments~~
30 ~~to section 97B.41, subsection 12, and section 97B.70,~~
31 ~~by enacting a new subsection 4, contained in 1994 Iowa~~
32 ~~Acts, chapter 1183, after meeting the other~~
33 ~~established priorities of the system, as defined in~~
34 ~~section 97B.41, subsection 12. Until the amendments~~
35 ~~are implemented, the department shall continue to~~
36 ~~implement the provisions of section 97B.53,~~
37 ~~subsections 3 and 7, and section 97B.53, subsection 6,~~
38 ~~unnumbered paragraph 1, 1993 Code of Iowa.~~

39 Sec. 46. Section 97B.53B, subsection 1, paragraph
40 c, subparagraph (4), Code 1995, is amended to read as
41 follows:

42 (4) ~~A distribution~~ Annual distributions of less
43 than two hundred dollars of taxable income.

44 Sec. 47. Section 97B.66, unnumbered paragraph 1,
45 Code Supplement 1995, is amended to read as follows:

46 A vested or retired member who was a member of the
47 teachers insurance and annuity association-college
48 retirement equity fund at any time between July 1,
49 1967 and June 30, 1971 and who became a member of the
50 system on July 1, 1971, upon submitting verification

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1 of service and wages earned during the applicable
2 period of service under the teachers insurance and
3 annuity association-college retirement equity fund,
4 may make employer and employee contributions to the
5 system based upon the covered wages of the member and
6 the covered wages and the contribution rates in effect
7 for all or a portion of that period of service and
8 receive credit for membership service under this
9 system equivalent to the applicable period of
10 membership service in the teachers insurance and
11 annuity association-college retirement equity fund for
12 which the contributions have been made. In addition,
13 a member making employer and employee contributions
14 because of membership in the teachers insurance and
15 annuity association-college retirement equity fund
16 under this section who was a member of the system on
17 June 30, 1967 and withdrew the member's accumulated
18 contributions because of membership on July 1, 1967 in
19 the teachers insurance and annuity association-college
20 retirement equity fund, may make employee
21 contributions to the system for all or a portion of
22 the period of service under the system prior to July
23 1, 1967. A member making contributions pursuant to
24 this section may make the contributions either for the
25 entire applicable period of service, or, effective
26 upon the date that the department determines that the
27 ~~amendments to this paragraph and unnumbered paragraph~~
28 ~~2 contained in 1994 Iowa Acts, chapter 1183, shall be~~
29 ~~implemented, for portions of the period of service,~~
30 ~~and if contributions are made for portions of the~~
31 ~~period of service, the contributions shall be in~~
32 ~~increments of one or more years, as long as the~~
33 ~~increments represent full years and not a portion of a~~
34 ~~year calendar quarters. However, the department shall~~
35 ~~not implement the amendments to this paragraph or~~
36 ~~unnumbered paragraph 2, as enacted in 1994 Iowa Acts,~~
37 ~~chapter 1183, unless and until the department~~
38 ~~determines that the most recent annual actuarial~~
39 ~~valuation of the retirement system indicates that the~~
40 ~~employer and employee contribution rates in effect~~
41 ~~under section 97B.11 can absorb the amendments to this~~
42 ~~paragraph and unnumbered paragraph 2 and to section~~
43 ~~97B.72, unnumbered paragraphs 1 and 2, section~~
44 ~~97B.72A, subsection 1, unnumbered paragraph 1, section~~
45 ~~97B.73A, unnumbered paragraph 1, and section 97B.74,~~
46 ~~unnumbered paragraphs 1 and 2, contained in 1994 Iowa~~
47 ~~Acts, chapter 1183, after meeting the other~~
48 ~~established priority of the system. Until the~~
49 ~~amendments are implemented, the department shall~~
50 ~~continue to implement the provisions of section~~

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1 97B.66, unnumbered paragraphs 1 and 2, Code Supplement
2 1993. As used in this section, unless the context
3 otherwise requires, "~~other established priority of the~~
4 ~~system~~" means that commencing January 1 following the
5 most recent annual actuarial valuation of the system,
6 the department has increased the covered wage
7 limitation from the previous year by three thousand
8 dollars, in accordance with section 97B.41, subsection
9 20, paragraph "b", subparagraph (11).

10 Sec. 48. Section 97B.66, unnumbered paragraph 2,
11 Code Supplement 1995, is amended to read as follows:

12 The contributions paid by the vested or retired
13 member shall be equal to the accumulated contributions
14 as defined in section 97B.41, subsection 2, by the
15 member for the applicable period of service, and the
16 employer contribution for the applicable period of
17 service under the teachers insurance and annuity
18 association-college retirement equity fund, that would
19 have been or had been contributed by the vested or
20 retired member and the employer, if applicable, plus
21 interest on the contributions that would have accrued
22 for the applicable period from the date the previous
23 applicable period of service commenced under this
24 system or from the date the service of the member in
25 the teachers insurance and annuity association-college
26 retirement equity fund commenced to the date of
27 payment of the contributions by the member equal to
28 ~~two percent plus the interest dividend rate applicable~~
29 ~~for each year as provided in section 97B.70.~~

30 Sec. 49. Section 97B.66, unnumbered paragraph 3,
31 Code Supplement 1995, is amended to read as follows:

32 However, effective January 1, 1994, the department
33 shall ensure that the member, in exercising an option
34 provided in this section, does not exceed the amount
35 of annual additions to a member's account permitted
36 pursuant to section 415 of the federal Internal
37 Revenue Code.

38 Sec. 50. Section 97B.68, subsection 1, Code 1995,
39 is amended to read as follows:

40 1. Effective July 1, 1988 ~~1996~~, a person who is a
41 member of the federal civil service retirement program
42 or the federal employee's retirement system is not
43 eligible for membership in the Iowa public employees'
44 retirement system for the same position, and this
45 chapter does not apply to that employee. An employee
46 whose membership in the federal civil service
47 retirement program or the federal employee's
48 retirement system is subsequently terminated shall
49 immediately notify the employee's employer and the
50 department of personnel of that fact, and the employee

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1 shall become subject to this chapter on the date the
2 notification is received by the department.

3 Sec. 51. Section 97B.68, Code 1995, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 3. Effective July 1, 1996, an
6 employee who participates in the federal civil service
7 retirement program or the federal employee's
8 retirement system may be covered under this chapter if
9 otherwise eligible. The employee shall not be covered
10 under this chapter, however, unless the employee is
11 not credited for service in the federal civil service
12 retirement system or the federal employee's retirement
13 system for the position to be covered under this
14 chapter. This subsection shall not be construed to
15 permit any employer to contribute on behalf of an
16 employee for the same position and the same period of
17 service to both the Iowa public employees' retirement
18 system and either the federal civil service retirement
19 program or the federal employee's retirement system.

20 Sec. 52. Section 97B.70, Code Supplement 1995, is
21 amended to read as follows:

22 97B.70 INTEREST AND DIVIDENDS TO MEMBERS.

23 1. Interest For calendar years prior to Jan 1, 24 1997, interest at two
percent per annum and interest

25 dividends declared by the department shall be credited
26 to the member's contributions and the employer's
27 contributions to become part of the accumulated
28 contributions thereby.

29 1. a. The average rate of interest earned shall be
30 determined upon the following basis:

31 a- (1) Investment income shall include interest
32 and cash dividends on stock.

33 b- (2) Investment income shall be accounted for on
34 an accrual basis.

35 e- (3) Capital gains and losses, realized or
36 unrealized, shall not be included in investment
37 income.

38 d- (4) Mean assets shall include fixed income
39 investments valued at cost or on an amortized basis,
40 and common stocks at market values or cost, whichever
41 is lower.

42 e- (5) The average rate of earned interest shall
43 be the quotient of the investment income and the mean
44 assets of the retirement fund.

45 2. b. The interest dividend shall be determined
46 within sixty days after the end of each calendar year
47 as follows:

48 The dividend rate for a calendar year shall be the
49 excess of the average rate of interest earned for the
50 year over the statutory two percent rate plus twenty-

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1 five hundredths of one percent. The average rate of
2 interest earned and the interest dividend rate in
3 percent shall be calculated to the nearest one
4 hundredth, that is, to two decimal places. Interest
5 and interest dividends calculated pursuant to this
6 subsection shall be compounded annually.

7 2. For calendar years beginning January 1, 1997, a
8 per annum interest rate at one percent above the
9 interest rate on one-year certificates of deposit
10 shall be credited to the member's contributions and
11 the employer's contributions to become part of the
12 accumulated contributions. For purposes of this
13 subsection, the interest rate on one-year certificates
14 of deposit shall be determined by the department based
15 on the average rate for such certificates of deposit
16 as of the first business day of each year as published
17 in a publication of general acceptance in the business
18 community. The per annum interest rate shall be
19 credited on a quarterly basis by applying one-quarter
20 of the annual interest rate to the sum of the
21 accumulated contributions as of the end of the
22 previous calendar quarter.

23 3. Interest and interest dividends shall be
24 credited to the contributions of active members and
25 inactive vested members until the first of the month
26 coinciding with or next following the member's
27 retirement date.

28 4. ~~Effective upon the date that the department~~
29 ~~determines that this subsection shall be implemented,~~
30 interest Interest and interest dividends shall be
31 credited to the contributions of a person who leaves
32 the contributions in the retirement fund upon
33 termination from covered employment prior to achieving
34 vested status, but who subsequently achieves vested
35 status. The interest and interest dividends shall be
36 credited to the contributions commencing either upon
37 ~~the date that the department determines that this~~
38 ~~subsection shall be implemented, or the date on which~~
39 ~~the person becomes a vested member, whichever is~~
40 ~~later.~~ Interest and interest dividends shall cease
41 upon the first of the month coinciding with or next
42 following the person's retirement date. If the
43 department no longer maintains the accumulated
44 contribution account of the person pursuant to section
45 97B.53, but the person submits satisfactory proof to
46 the department that the person did make the
47 contributions, the department shall credit interest
48 and interest dividends in the manner provided in this
49 subsection. ~~However, the department shall not~~
50 ~~implement this subsection, unless and until the~~

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1 department determines that the most recent annual
2 actuarial valuation of the retirement system indicates
3 that the employer and employee contribution rates in
4 effect under section 97B.11 can absorb the enactment
5 of this subsection and the amendments to section
6 97B.41, subsection 12, section 97B.53, subsections 3
7 and 7, and section 97B.53, subsection 6, unnumbered
8 paragraph 1, contained in 1994 Iowa Acts, chapter
9 1183, after meeting the other established priorities
10 of the system, as defined in section 97B.41,
11 subsection 12.

12 Sec. 53. Section 97B.72, unnumbered paragraphs 1
13 and 2, Code Supplement 1995, are amended to read as
14 follows:

15 Persons who are members of the Seventy-first
16 General Assembly or a succeeding general assembly who
17 submit proof to the department of membership in the
18 general assembly during any period beginning July 4,
19 1953, may make contributions to the system for all or
20 a portion of the period of service in the general
21 assembly, and receive credit for the applicable period
22 for which contributions are made. The contributions
23 made by the member shall be equal to the accumulated
24 contributions as defined in section 97B.41, subsection
25 2, which would have been made if the member of the
26 general assembly had been a member of the system
27 during the applicable period. The proof of membership
28 in the general assembly and payment of accumulated
29 contributions shall be transmitted to the department.
30 A member making contributions pursuant to this section
31 may make the contributions either for the entire
32 applicable period of service, or, effective upon the
33 date that the department determines that the
34 amendments to this paragraph and unnumbered paragraph
35 2 contained in 1994 Iowa Acts, chapter 1183, shall be
36 implemented, for portions of the period of service,
37 and if contributions are made for portions of the
38 period of service, the contributions shall be in
39 increments of one or more years, as long as the
40 increments represent full years and not a portion of a
41 year calendar quarters. However, the department shall
42 not implement the amendments to this paragraph or
43 unnumbered paragraph 2, as enacted in 1994 Iowa Acts,
44 chapter 1183, unless and until the department
45 determines that the most recent annual actuarial
46 valuation of the retirement system indicates that the
47 employer and employee contribution rates in effect
48 under section 97B.11 can absorb the amendments to this
49 paragraph and unnumbered paragraph 2 and to section
50 97B.66, unnumbered paragraphs 1 and 2, section

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1 ~~97B.72A, subsection 1, unnumbered paragraph 1, section~~
2 ~~97B.73A, unnumbered paragraph 1, and section 97B.74,~~
3 ~~unnumbered paragraphs 1 and 2, contained in 1994 Iowa~~
4 ~~Acts, chapter 1183, after meeting the other~~
5 ~~established priority of the system, as defined in~~
6 ~~section 97B.66. Until the amendments are implemented,~~
7 ~~the department shall continue to implement the~~
8 ~~provisions of section 97B.72, unnumbered paragraphs 1~~
9 ~~and 2, Code Supplement 1993.~~

10 There is appropriated from moneys available to the
11 general assembly under section 2.12 an amount
12 sufficient to pay the contributions of the employer
13 based on the period of service for which the members
14 have paid accumulated contributions in an amount equal
15 to the contributions which would have been made if the
16 members of the general assembly who made employee
17 contributions had been members of the system during
18 the applicable period of service in the general
19 assembly plus ~~two percent interest plus and interest~~
20 ~~dividends at the rate provided in section 97B.70 for~~
21 ~~all completed calendar years, and for any completed~~
22 ~~calendar year for which the interest dividend has not~~
23 ~~been declared and for completed months of partially~~
24 ~~completed calendar years at two percent interest plus~~
25 ~~the interest dividend rate calculated for the previous~~
26 ~~year, compounded annually, from the end of the~~
27 ~~calendar year in which contribution was made to the~~
28 ~~first day of the month of such date as provided in~~
29 ~~section 97B.70.~~

30 Sec. 54. Section 97B.72, unnumbered paragraph 3,
31 Code Supplement 1995, is amended to read as follows:

32 However, ~~effective January 1, 1994,~~ the department
33 shall ensure that the member, in exercising an option
34 provided in this section, does not exceed the amount
35 of annual additions to a member's account permitted
36 pursuant to section 415 of the federal Internal
37 Revenue Code.

38 Sec. 55. Section 97B.72A, subsection 1, Code
39 Supplement 1995, is amended to read as follows:

40 1. ~~An active or~~ A vested ~~or retired~~ member of the
41 system who was a member of the general assembly prior
42 to July 1, 1988, may make contributions to the system
43 for all or a portion of the period of service in the
44 general assembly. The contributions made by the
45 member shall be equal to the accumulated contributions
46 as defined in section 97B.41, subsection 2, which
47 would have been made if the member of the general
48 assembly had been a member of the system during the
49 applicable period of service in the general assembly.
50 A member making contributions pursuant to this section

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1 may make the contributions either for the entire
2 applicable period of service, or for portions of the
3 period of service, and, ~~effective upon the date that~~
4 ~~the department determines that the amendments to this~~
5 ~~paragraph contained in 1994 Iowa Acts, chapter 1183,~~
6 ~~shall be implemented, if contributions are made for~~
7 ~~portions of the period of service, the contributions~~
8 ~~shall be in increments of one or more years, as long~~
9 ~~as the increments represent full years and not a~~
10 ~~portion of a year calendar quarters. The member of~~
11 ~~the system shall submit proof to the department of~~
12 ~~membership in the general assembly. The department~~
13 ~~shall credit the member with the period of membership~~
14 ~~service for which contributions are made. However,~~
15 ~~the department shall not implement the amendments to~~
16 ~~this paragraph, as enacted in 1994 Iowa Acts, chapter~~
17 ~~1183, unless and until the department determines that~~
18 ~~the most recent annual actuarial valuation of the~~
19 ~~retirement system indicates that the employer and~~
20 ~~employee contribution rates in effect under section~~
21 ~~97B.11 can absorb the amendments to this paragraph and~~
22 ~~to section 97B.66, unnumbered paragraphs 1 and 2,~~
23 ~~section 97B.72, unnumbered paragraphs 1 and 2, section~~
24 ~~97B.73A, unnumbered paragraph 1, and section 97B.74,~~
25 ~~unnumbered paragraphs 1 and 2, contained in 1994 Iowa~~
26 ~~Acts, chapter 1183, after meeting the other~~
27 ~~established priority of the system, as defined in~~
28 ~~section 97B.66. Until the amendments are implemented,~~
29 ~~the department shall continue to implement the~~
30 ~~provisions of section 97B.72A, subsection 1,~~
31 ~~unnumbered paragraph 1, Code Supplement 1993.~~

32 There is appropriated from the general fund of the
33 state to the department an amount sufficient to pay
34 the contributions of the employer based on the period
35 of service of members of the general assembly for
36 which the member paid accumulated contributions under
37 this section. The amount appropriated is equal to the
38 employer contributions which would have been made if
39 the members of the system who made employee
40 contributions had been members of the system during
41 the period for which they made employee contributions
42 plus two percent interest plus the interest dividend
43 rate applicable at the rate provided in section 97B.70
44 for each year compounded annually as provided in
45 section 97B.70.

46 Sec. 56. Section 97B.72A, subsection 2, Code
47 Supplement 1995, is amended to read as follows:

48 2. ~~Effective January 1, 1994, however~~ However, the
49 department shall ensure that the member, in exercising
50 an option provided in this section, does not exceed

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1 the amount of annual additions to a member's account
2 permitted pursuant to section 415 of the federal
3 Internal Revenue Code.

4 Sec. 57. Section 97B.73, unnumbered paragraph 1,
5 Code 1995, is amended to read as follows:

6 A vested or retired member who was in public
7 employment comparable to employment covered under this
8 chapter in another state or in the federal government,
9 or who was a member of another public retirement
10 system in this state, including but not limited to the
11 teachers insurance annuity association-college
12 retirement equities fund, but who was not retired
13 under that system, upon submitting verification of
14 membership and service in the other public system to
15 the department, including proof that the member has no
16 further claim upon a retirement benefit from that
17 other public system, may make employer and employee
18 contributions to the system either for the entire
19 period of service in the other public system, or for
20 partial service in the other public system in
21 increments of one or more years, ~~as long as the~~
22 ~~increments represent full years and not a portion of a~~
23 ~~year calendar quarters. The member may also make one~~
24 ~~lump sum contribution to the system which represents~~
25 ~~the entire period of service in the other public~~
26 ~~system, even if the period of time exceeds one year or~~
27 ~~includes a portion of a year. If the member wishes to~~
28 transfer only a portion of the service value of
29 another public system to this system and the other
30 public system allows a partial withdrawal of a
31 member's system credits, the member shall receive
32 credit for membership service in this system
33 equivalent to the number of years period of service
34 transferred from the other public system. The
35 contribution payable shall be based upon the member's
36 covered wages for the most recent full calendar year
37 at the applicable rates in effect for that calendar
38 year under sections 97B.11 and 97B.49 and multiplied
39 by the member's years of service in other public
40 employment. If the member's most recent covered wages
41 were earned prior to the most recent calendar year,
42 the member's covered wages shall be adjusted by the
43 department by an inflation factor to reflect changes
44 in the economy since the covered wages were earned.

45 Sec. 58. Section 97B.73, unnumbered paragraph 6,
46 Code 1995, is amended to read as follows:

47 However, ~~effective January 1, 1994~~, the department
48 shall ensure that the member, in exercising an option
49 provided in this section, does not exceed the amount
50 of annual additions to a member's account permitted

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1 pursuant to section 415 of the federal Internal
2 Revenue Code.
3 Sec. 59. Section 97B.73A, unnumbered paragraph 1,
4 Code Supplement 1995, is amended to read as follows:
5 A part-time county attorney may elect in writing to
6 the department to make employee contributions to the
7 system for the county attorney's previous service as a
8 county attorney and receive credit for membership
9 service in the system for the applicable period of
10 service as a part-time county attorney for which
11 employee contributions are made. The contributions
12 paid by the member shall be equal to the accumulated
13 contributions, as defined in section 97B.41,
14 subsection 2, for the applicable period of membership
15 service. A member making contributions pursuant to
16 this section may make the contributions either for the
17 entire applicable period of service, or, effective
18 upon the date that the department determines that the
19 amendments to this paragraph contained in 1994 Iowa
20 Acts, chapter 1183, shall be implemented, for portions
21 of the period of service, and if contributions are
22 made for portions of the period of service, the
23 contributions shall be in increments of one or more
24 years, as long as the increments represent full years
25 and not a portion of a year calendar quarters. A
26 member who elects to make contributions under this
27 section shall notify the applicable county board of
28 supervisors of the member's election, and the county
29 board of supervisors shall pay to the department the
30 employer contributions that would have been
31 contributed by the employer under section 97B.11 plus
32 interest on the contributions that would have accrued
33 if the county attorney had been a member of the system
34 for the applicable period of service. However, the
35 department shall not implement the amendments to this
36 paragraph, as enacted in 1994 Iowa Acts, chapter 1183,
37 unless and until the department determines that the
38 most recent annual actuarial valuation of the
39 retirement system indicates that the employer and
40 employee contribution rates in effect under section
41 97B.11 can absorb the amendments to this paragraph and
42 to section 97B.66, unnumbered paragraphs 1 and 2,
43 section 97B.72, unnumbered paragraphs 1 and 2, section
44 97B.72A, subsection 1, unnumbered paragraph 1, and
45 section 97B.74, unnumbered paragraphs 1 and 2,
46 contained in 1994 Iowa Acts, chapter 1183, after
47 meeting the other established priority of the system,
48 as defined in section 97B.66. Until the amendments
49 are implemented, the department shall continue to
50 implement the provisions of section 97B.73A,

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1 unnumbered paragraph 1, Code Supplement 1993.

2 Sec. 60. Section 97B.73A, unnumbered paragraph 3,
3 Code Supplement 1995, is amended to read as follows:

4 However, ~~effective January 1, 1994~~, the department
5 shall ensure that the member, in exercising an option
6 provided in this section, does not exceed the amount
7 of annual additions to a member's account permitted
8 pursuant to section 415 of the federal Internal
9 Revenue Code.

10 Sec. 61. Section 97B.74, unnumbered paragraphs 1
11 and 2, Code Supplement 1995, are amended to read as
12 follows:

13 ~~An active, A~~ vested, or retired member who was a
14 member of the system at any time on or after July 4,
15 1953, and who received a refund of the member's
16 contributions for that period of membership service,
17 may elect in writing to the department to make
18 contributions to the system for all or a portion of
19 the period of membership service for which a refund of
20 contributions was made, and receive credit for the
21 period of membership service for which contributions
22 are made. The contributions repaid by the member for
23 such service shall be equal to the accumulated
24 contributions, as defined in section 97B.41,
25 subsection 2, received by the member for the
26 applicable period of membership service plus interest
27 on the accumulated contributions for the applicable
28 period from the date of receipt by the member to the
29 date of repayment ~~equal to two percent plus at~~ the
30 interest dividend rate provided in section 97B.70
31 applicable for each year compounded annually as
32 provided in section 97B.70.

33 ~~An active member must have at least one quarter's~~
34 ~~reportable wages on file and have membership service,~~
35 ~~including that period of membership service for which~~
36 ~~a refund of contributions was made, sufficient to give~~
37 ~~the member vested status.~~ A member making
38 contributions pursuant to this section may make the
39 contributions either for the entire applicable period
40 of service, or, ~~effective upon the date that the~~
41 ~~department determines that the amendments to this~~
42 ~~paragraph and unnumbered paragraph 1 contained in 1994~~
43 ~~Iowa Acts, chapter 1183, shall be implemented, for~~
44 portions of the period of service, and if
45 contributions are made for portions of the period of
46 service, the contributions shall be in increments of
47 one or more years, ~~as long as the increments represent~~
48 ~~full years and not a portion of a year calendar~~
49 ~~quarters.~~ However, ~~the department shall not implement~~
50 ~~the amendments to this paragraph or unnumbered~~

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1 paragraph 1, as enacted in 1994 Iowa Acts, chapter
2 1183, unless and until the department determines that
3 the most recent annual actuarial valuation of the
4 retirement system indicates that the employer and
5 employee contribution rates in effect under section
6 97B.11 can absorb the amendments to this paragraph and
7 to unnumbered paragraph 1 and to section 97B.66,
8 unnumbered paragraphs 1 and 2, section 97B.72,
9 unnumbered paragraphs 1 and 2, section 97B.72A,
10 subsection 1, unnumbered paragraph 1, and section
11 97B.73A, unnumbered paragraph 1, contained in 1994
12 Iowa Acts, chapter 1183, after meeting the other
13 established priority of the system, as defined in
14 section 97B.66. Until the amendments are implemented,
15 the department shall continue to implement the
16 provisions of section 97B.74, unnumbered paragraphs 1
17 and 2, Code Supplement 1993.

18 Sec. 62. Section 97B.74, unnumbered paragraph 4,
19 Code Supplement 1995, is amended by striking the
20 unnumbered paragraph.

21 . Sec. 63. Section 97B.80, unnumbered paragraph 1,
22 Code 1995, is amended to read as follows:

23 Effective July 1, 1992, a vested or retired member,
24 who at any time served on active duty in the armed
25 forces of the United States, upon submitting
26 verification of the dates of the active duty service,
27 may make employer and employee contributions to the
28 system based upon the member's covered wages for the
29 most recent full calendar year in which the member had
30 reportable wages at the applicable rates in effect for
31 that year under sections 97B.11 and 97B.49, for all or
32 a portion of the period of time of the active duty
33 service, in increments of ~~no greater than one year and~~
34 ~~not less than one or more~~ calendar quarter quarters,
35 and receive credit for membership service and prior
36 service for the period of time for which the
37 contributions are made. ~~However, the member may not~~
38 ~~make contributions in an increment of less than one~~
39 ~~year more than once. The member may also make one~~
40 ~~lump sum contribution to the system which represents~~
41 ~~the period of time of the active duty service, even if~~
42 ~~the period of time exceeds one year.~~ If the member's
43 most recent covered wages were earned prior to the
44 most recent calendar year, the member's covered wages
45 shall be adjusted by the department by an inflation
46 factor to reflect changes in the economy. The
47 department shall adjust benefits for a six-month
48 period prior to the date the member pays contributions
49 under this section if the member is receiving a
50 retirement allowance at the time the contribution

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1 payment is made. Verification of active duty service
2 and payment of contributions shall be made to the
3 department. However, a member is not eligible to make
4 contributions under this section if the member is
5 receiving, is eligible to receive, or may in the
6 future be eligible to receive retirement pay from the
7 United States government for active duty in the armed
8 forces, except for retirement pay granted by the
9 United States government under retired pay for
10 nonregular service (10 U.S.C. § 1331, et seq.). A
11 member receiving retired pay for nonregular service
12 who makes contributions under this section shall
13 provide information required by the department
14 documenting time periods covered under retired pay for
15 nonregular service.

16 Sec. 64. Section 97B.80, unnumbered paragraph 3,
17 Code 1995, is amended to read as follows:

18 However, ~~effective January 1, 1994~~, the department
19 shall ensure that the member, in exercising an option
20 provided in this section, does not exceed the amount
21 of annual additions to a member's account permitted
22 pursuant to section 415 of the federal Internal
23 Revenue Code.

24 Sec. 65. DEVELOPMENT OF PROPOSAL FOR ESTABLISHING
25 A DEFINED CONTRIBUTION OPTION – IOWA PUBLIC
26 EMPLOYEES' RETIREMENT SYSTEM – REPORT. The Iowa
27 public employees' retirement system division, in
28 consultation with the public retirement systems
29 committee established in section 97D.4, shall develop
30 a proposal concerning various alternatives for
31 establishing a defined contribution option for members
32 of the Iowa public employees' retirement system. On
33 or before September 1, 1997, the Iowa public
34 employees' retirement system division shall file a
35 report with the legislative service bureau, for
36 distribution to the public retirement systems
37 committee, which contains a proposal, or proposals,
38 for establishing a defined contribution option. The
39 report shall also contain actuarial information
40 concerning the costs of the proposal or proposals.

41 DIVISION II

42 TEACHERS' PENSION AND ANNUITY RETIREMENT SYSTEMS

43 Sec. 66. Section 12B.10, subsection 6, Code 1995,
44 is amended by adding the following new paragraph e and
45 relettering the subsequent paragraphs:

46 NEW PARAGRAPH. e. A pension and annuity
47 retirement system governed by chapter 294.

48 Sec. 67. Section 12B.10A, subsection 6, Code 1995,
49 is amended by adding the following new paragraph e and
50 relettering the subsequent paragraphs:

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1 NEW PARAGRAPH. e: A pension and annuity
2 retirement system governed by chapter 294.
3 Sec. 68. Section 12B.10B, subsection 3, Code 1995,
4 is amended by adding the following new paragraph e and
5 relettering the subsequent paragraphs:

6 NEW PARAGRAPH. e. A pension and annuity
7 retirement system governed by chapter 294.
8 Sec. 69. Section 12B.10C, Code 1995, is amended by
9 adding the following new subsection 4 and renumbering
10 the subsequent subsections:

11 NEW SUBSECTION. 4. A pension and annuity
12 retirement system governed by chapter 294.
13 Sec. 70. NEW SECTION. 294.10B RIGHTS NOT
14 TRANSFERABLE – NOT SUBJECT TO LEGAL PROCESS.

15 The right of any person to any future payment under
16 a pension and annuity retirement system established in
17 this chapter shall not be transferable or assignable,
18 at law or in equity, and shall not be subject to
19 execution, levy, attachment, garnishment, or other
20 legal process, or to the operation of any bankruptcy
21 or insolvency law, except for the purposes of
22 enforcing child, spousal, or medical support
23 obligations, or marital property orders. For the
24 purposes of enforcing child, spousal, or medical
25 support obligations, the garnishment or attachment of
26 or the execution against benefits due a person under
27 such a retirement system shall not exceed the amount
28 specified in 15 U.S.C. § 1673(b).

29 DIVISION III

30 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
31 ACCIDENT, AND DISABILITY SYSTEM

32 Sec. 71. Section 97A.5, subsection 9, Code 1995,
33 is amended to read as follows:

34 9. DUTIES OF COMMISSIONER OF INSURANCE ACTUARY.

35 ~~The state commissioner of insurance~~ actuary hired by
36 the board of trustees shall be the technical advisor
37 of the board of trustees on matters regarding the
38 operation of the funds created by the provisions of
39 this chapter and shall perform such other duties as
40 are required in connection therewith.

41 Sec. 72. Section 97A.5, subsections 10 through 12,
42 Code 1995, are amended to read as follows:

43 10. TABLES – RATES. ~~Immediately after the~~
44 ~~establishment of this system, the state commissioner~~
45 ~~of insurance~~ The actuary hired by the board of
46 trustees shall make such investigation of anticipated
47 interest earnings and of the mortality, service, and
48 compensation experience of the members of the system
49 as the actuary ~~shall recommend and the board of~~
50 ~~trustees shall authorize~~ recommends, and on the basis

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1 of such ~~the~~ investigation, the ~~actuary shall recommend~~
2 ~~for adoption by the board of trustees such shall adopt~~
3 ~~the tables and such the~~ rates as are required in
4 subsection 11 of this section. The board of trustees
5 shall adopt the rate of interest and tables, and
6 certify rates of contributions to be used by the
7 system.

8 11. ACTUARIAL INVESTIGATION. ~~In the year 1952,~~
9 ~~and at At~~ least once in each two-year period
10 ~~thereafter, the state commissioner of insurance the~~
11 ~~actuary hired by the board of trustees~~ shall make an
12 actuarial investigation in the mortality, service, and
13 compensation experience of the members and
14 beneficiaries of the system, and the interest and
15 other earnings on the moneys and other assets of the
16 system, and shall make a valuation of the assets and
17 liabilities of the funds of the system, and taking
18 into account the results of ~~such the~~ investigation and
19 valuation, the board of trustees shall:

20 a. Adopt for the system such interest rate,
21 mortality and other tables as shall be deemed
22 necessary;

23 b. Certify the rates of contribution payable by
24 the state of Iowa in accordance with section 97A.8.

25 12. VALUATION. On the basis of ~~such the~~ rate of
26 interest and ~~such tables as adopted by~~ the board of
27 trustees shall ~~adopt, the state commissioner of~~
28 ~~insurance the actuary hired by the board of trustees~~
29 shall make an annual valuation of the assets and
30 liabilities of the funds of the system created by this
31 chapter.

32 Sec. 73. Section 97A.5, Code 1995, is amended by
33 adding the following new subsections:

34 NEW SUBSECTION. 14. INVESTMENT CONTRACTS. The
35 board of trustees may execute contracts and agreements
36 with investment advisors, consultants, and investment
37 management and benefit consultant firms in the
38 administration of the funds established in section
39 97A.8.

40 NEW SUBSECTION. 15. LIABILITY. The department,
41 the board of trustees, and the treasurer of state are
42 not personally liable for claims based upon an act or
43 omission of the person performed in the discharge of
44 the person's duties under this chapter, even if those
45 actions or omissions violate the standards established
46 in section 97A.7, except for acts or omissions which
47 involve malicious or wanton misconduct.

48 Sec. 74. Section 97A.6, subsection 1, paragraph a,
49 Code 1995, is amended to read as follows:

50 a. Any member in service may retire upon the

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1 member's written application to the board of trustees,
2 setting forth at what time, not less than thirty nor
3 more than ninety days subsequent to the execution and
4 filing therefor, the member desires to be retired,
5 provided, that the said member at the time so
6 specified for retirement shall have attained the age
7 of fifty-five and shall have completed twenty-two
8 years or more of creditable service, and
9 notwithstanding that, during such period of
10 notification, the member may have separated from the
11 service. However, a member may retire at fifty years
12 of age and receive a reduced retirement allowance
13 pursuant to subsection 2A.

14 Sec. 75. Section 97A.6, subsection 2, paragraph d,
15 subparagraph (3), Code 1995, is amended to read as
16 follows:

17 (3) For a member who terminates service, other
18 than by death or disability, on or after October 16,
19 1992, but before July 1, 1996, and who does not
20 withdraw the member's contributions pursuant to
21 section 97A.16, upon the member's retirement there
22 shall be added six-tenths percent of the member's
23 average final compensation for each year of service
24 over twenty-two years. However, this subparagraph
25 does not apply to more than eight additional years of
26 service.

27 Sec. 76. Section 97A.6, subsection 2, paragraph d,
28 Code 1995, is amended by adding the following new
29 subparagraph:

30 NEW SUBPARAGRAPH. (4) For a member who terminates
31 service, other than by death or disability, on or
32 after July 1, 1996, and who does not withdraw the
33 member's contributions pursuant to section 97A.16,
34 upon the member's retirement there shall be added one
35 and one-half percent of the member's average final
36 compensation for each year of service over twenty-two
37 years. However, this subparagraph does not apply to
38 more than eight additional years of service.

39 Sec. 77. Section 97A.6, subsection 10, Code 1995,
40 is amended to read as follows:

41 10. OPTIONAL ALLOWANCE. With the provision that
42 no optional selection shall be effective in case a
43 beneficiary dies within thirty days after retirement,
44 in which event such a beneficiary shall be considered
45 as an active member at the time of death, until the
46 first payment on account of any benefit becomes
47 normally due, any beneficiary may elect to receive the
48 beneficiary's benefit in a retirement allowance
49 payable throughout life, or may elect to receive the
50 actuarial equivalent at that time of the beneficiary's

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1 retirement allowance in a lesser retirement allowance
2 payable throughout life with the provision that an
3 amount in money not exceeding the amount of the
4 beneficiary's accumulated contributions shall be
5 immediately paid in cash to such member or some other
6 benefit or benefits shall be paid either to the member
7 or to such person or persons as the member shall
8 nominate, provided such cash payment or other benefit
9 or benefits, together with the lesser retirement
10 allowance, shall be certified by the state
11 ~~commissioner of insurance~~ actuary to be of equivalent
12 actuarial value to the member's retirement allowance
13 and shall be approved by the board of trustees;
14 provided, that a cash payment to such member or
15 beneficiary at the time of retirement of an amount not
16 exceeding fifty percent of the member's or
17 beneficiary's accumulated contributions shall be made
18 by the board of trustees upon said member's or
19 beneficiary's election.

20 Sec. 78. Section 97A.6, subsection 12, unnumbered
21 paragraph 1, Code 1995, is amended to read as follows:

22 Pension to surviving spouse and children of
23 deceased pensioned members. In the event of the death
24 of any member receiving a retirement allowance under
25 the provisions of subsections 2, 2A, 4, or 6 of this
26 section there shall be paid a pension:

27 Sec. 79. Section 97A.6, subsection 12, paragraph
28 a, Code 1995, is amended to read as follows:

29 a. To the member's surviving spouse, equal to one-
30 half the amount received by the deceased beneficiary,
31 but in no instance less than an amount equal to ~~twenty~~
32 twenty-five percent of the monthly earnable
33 compensation paid to an active member having the rank
34 of senior patrol officer of the Iowa highway safety
35 patrol, and in addition a monthly pension equal to the
36 monthly pension payable under subsection 9, paragraph
37 "c," of this section for each child under eighteen
38 years of age or twenty-two years of age if applicable;
39 or

40 Sec. 80. Section 97A.6, subsection 14, paragraph
41 a, subparagraphs (1), (2), and (3), Code 1995, are
42 amended to read as follows:

43 (1) ~~Twenty-five~~ Thirty percent for members
44 receiving a service retirement allowance and for
45 beneficiaries receiving a pension under subsection 9
46 of this section. ~~However, effective July 1, 1990, for~~
47 ~~members who retired before that date, thirty percent~~
48 ~~shall be the applicable percentage for members and~~
49 ~~beneficiaries under this subparagraph.~~

50 (2) ~~Twenty-five~~ Thirty percent for members with

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1 five or more years of membership service who are
2 receiving an ordinary disability retirement allowance.
3 ~~However, effective July 1, 1990, for members who~~
4 ~~retired before that date, thirty percent shall be the~~
5 ~~applicable percentage for members under this~~
6 ~~subparagraph.~~

7 (3) ~~Twelve and one-half~~ Fifteen percent for
8 members with less than five years of membership
9 service who are receiving an ordinary disability
10 retirement allowance, and for beneficiaries receiving
11 a pension under subsection 8 of this section.
12 ~~However, effective July 1, 1990, for members who~~
13 ~~retired before that date, fifteen percent shall be the~~
14 ~~applicable percentage for members and beneficiaries~~
15 ~~under this subparagraph.~~

16 Sec. 81. Section 97A.6, subsection 14, paragraph
17 d, Code 1995, is amended to read as follows:

18 d. A retired member eligible for benefits under
19 the provisions of subsection 1 is not eligible for the
20 annual readjustment of pensions provided in this
21 subsection unless the member served at least twenty-
22 ~~two years and attained the age of fifty-five years~~
23 prior to the member's termination of employment.

24 Sec. 82. Section 97A.6, Code 1995, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 2A. EARLY RETIREMENT BENEFITS.

27 a. Notwithstanding the calculation of the service
28 retirement allowance under subsection 2, beginning
29 July 1, 1996, a member who has completed twenty-two
30 years or more of creditable service and is at least
31 fifty years of age, but less than fifty-five years of
32 age, who has otherwise completed the requirements for
33 retirement under subsection 1, may retire and receive
34 a reduced service retirement allowance pursuant to
35 this subsection. The service retirement allowance for
36 a member less than fifty-five years of age shall be
37 calculated in the manner prescribed in subsection 2,
38 except that the percentage multiplier of the member's
39 average final compensation used in the determination
40 of the service retirement allowance shall be reduced
41 by the board of trustees pursuant to paragraph "b".

42 b. On July 1, 1996, and on each July 1 thereafter,
43 the board of trustees shall determine for the
44 respective fiscal year the percent by which the
45 percentage multiplier under subsection 2 shall be
46 reduced for each month that a member's retirement date
47 precedes the member's fifty-fifth birthday. The board
48 of trustees shall make this determination based upon
49 the most recent actuarial valuation of the system, the
50 calculation of the actuarial cost for each month of

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1 retirement of a member prior to age fifty-five, and
2 the premise that the provision of a service retirement
3 allowance to a member who is less than fifty-five
4 years of age will not result in any increase in cost
5 to the system.

6 Sec. 83. Section 97A.7, subsection 2, Code 1995,
7 is amended to read as follows:

8 2. The several funds created by this chapter may
9 be invested in:

10 ~~a.—Bonds or other evidences of indebtedness~~
11 ~~issued, assumed, or guaranteed by the United States of~~
12 ~~America, or by any agency or instrumentality thereof.~~

13 ~~b.—In savings accounts or time deposits in Iowa~~
14 ~~banks approved as depositories by the executive~~
15 ~~council.~~

16 ~~c.—In any investments authorized for the Iowa~~
17 ~~public employees' retirement system in section 97B.7,~~
18 ~~subsection 2, paragraph "b".~~

19 Sec. 84. Section 97A.8, subsection 1, paragraph b,
20 Code 1995, is amended to read as follows:

21 b. On the basis of the rate of interest and of the
22 mortality, interest, and other tables adopted by the
23 board of trustees, ~~the state commissioner of insurance~~
24 board of trustees, upon the advice of the actuary
25 hired by the board for that purpose, shall make each
26 valuation required by this chapter and shall
27 immediately after making such valuation, determine the
28 "normal contribution rate". The normal contribution
29 rate shall be the rate percent of the earnable
30 compensation of all members obtained by deducting from
31 the total liabilities of the fund the sum of the
32 amount of the funds in hand to the credit of the fund
33 and dividing the remainder by one percent of the
34 present value of the prospective future compensation
35 of all members as computed on the basis of the rate of
36 interest and of mortality and service tables adopted
37 by the board of trustees, all reduced by the employee
38 contribution made pursuant to this subsection.
39 However, the normal rate of contribution shall not be
40 less than seventeen percent. The normal rate of
41 contribution shall be determined by the ~~state~~
42 ~~commissioner of insurance~~ board of trustees after each
43 valuation.

44 Sec. 85. Section 97A.8, subsection 1, paragraph c,
45 unnumbered paragraph 3, Code 1995, is amended by
46 striking the unnumbered paragraph.

47 Sec. 86. Section 97A.8, subsection 1, paragraph f,
48 subparagraph (8), Code 1995, is amended to read as
49 follows:

50 (8) Notwithstanding any other provision of this

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1 chapter, beginning July 1, 1996, and each fiscal year
2 thereafter, ~~the member's contribution rate shall be~~
3 ~~equivalent to the member's contribution rate provided~~
4 ~~under section 411.8, subsection 1, paragraph "F", for~~
5 ~~the statewide fire and police retirement system for~~
6 ~~the applicable fiscal year an amount equal to the~~
7 member's contribution rate times each member's
8 compensation shall be paid to the pension accumulation
9 fund from the earnable compensation of the member.
10 For the purposes of this subparagraph, the member's
11 contribution rate shall be nine and thirty-five
12 hundredths percent. However, the system shall
13 increase the member's contribution rate as necessary
14 to cover any increase in cost to the system resulting
15 from statutory changes which are enacted by any
16 session of the general assembly meeting after January
17 1, 1995, if the increase cannot be absorbed within the
18 contribution rates otherwise established pursuant to
19 this paragraph, but subject to a maximum employee
20 contribution rate of eleven and three-tenths percent.
21 After the employee contribution reaches eleven and
22 three-tenths percent, sixty percent of the additional
23 cost of such statutory changes shall be paid by the
24 employer under paragraph "c" and forty percent of the
25 additional cost shall be paid by employees under this
26 paragraph.

27 Sec. 87. Section 97A.8, subsection 3, Code 1995,
28 is amended to read as follows:

29 3. EXPENSE FUND. The expense fund shall be the
30 fund to which shall be credited all money provided by
31 the state of Iowa to pay the administration expenses
32 of the system and from which shall be paid all the
33 expenses necessary in connection with the
34 administration and operation of the system.
35 Biennially the board of trustees shall estimate the
36 amount of money necessary to be paid into the expense
37 fund during the ensuing biennium to provide for the
38 expense of operation of the system. Investment
39 management expenses shall be charged to the investment
40 income of the system and there is appropriated from
41 the system an amount required for the investment
42 management expenses. The board of trustees shall
43 report the investment management expenses for the
44 fiscal year as a percent of the market value of the
45 system.

46 For purposes of this subsection, investment
47 management expenses are limited to the following:
48 a. Fees for investment advisors, consultants, and
49 investment management and benefit consultant firms
50 hired by the board of trustees in administering this

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1 chapter.

2 b. Fees and costs for safekeeping fund assets.

3 c. Costs for performance and compliance

4 monitoring, and accounting for fund investments.

5 d. Any other costs necessary to prudently invest

6 or protect the assets of the fund.

7 Sec. 88. Section 97A.12, Code 1995, is amended to
8 read as follows:

9 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS
10 OR ASSIGNMENT.

11 The right of any person to a pension, annuity, or
12 retirement allowance, to the return of contributions,
13 the pension, annuity, or retirement allowance itself,
14 any optional benefit or death benefit, any other right
15 accrued or accruing to any person under this chapter,
16 and the moneys in the various funds created under this
17 chapter, are not subject to execution, garnishment,
18 attachment, or any other process whatsoever, and are
19 unassignable except for the purposes of enforcing
20 child, spousal, or medical support obligations or
21 marital property orders, or as in this chapter
22 otherwise specifically provided in this chapter. For
23 the purposes of enforcing child, spousal, or medical
24 support obligations, the garnishment or attachment of
25 or the execution against compensation due a person
26 under this chapter shall not exceed the amount
27 specified in 15 U.S.C. § 1673(b).

28 Sec. 89. NEW SECTION. 97A.17 OPTIONAL TRANSFERS
29 WITH CHAPTER 411.

30 1. For purposes of this section unless the context
31 otherwise requires:

32 a. "Average accrued benefit" means the average of
33 the amounts representing the present value of the
34 accrued benefit earned by the member determined by the
35 former system and the present value of the accrued
36 benefit earned by the member determined by the current
37 system.

38 b. "Current system" means the eligible retirement
39 system in which a person has commenced employment
40 covered by the system after having terminated
41 employment covered by the former system.

42 c. "Eligible retirement system" means the system
43 created under this chapter and the statewide fire and
44 police retirement system established in chapter 411.

45 d. "Former system" means the eligible retirement
46 system in which a person has terminated employment
47 covered by the system prior to commencing employment
48 covered by the current system.

49 2. Commencing July 1, 1996, a vested member of an
50 eligible retirement system who terminates employment

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1 covered by one eligible retirement system and, within
2 sixty days, commences employment covered by the other
3 eligible retirement system may elect to transfer the
4 average accrued benefit earned from the former system
5 to the current system. The member shall file an
6 application with the current system for transfer of
7 the average accrued benefit within ninety days of the
8 commencement of employment with the current system.

9 3. Notwithstanding subsection 2, a vested member
10 whose employment with the current system commenced
11 prior to July 1, 1996, may elect to transfer the
12 average accrued benefit earned under the former system
13 to the current system by filing an application with
14 the current system for transfer of the average accrued
15 benefit on or before July 1, 1997.

16 4. Upon receipt of an application for transfer of
17 the average accrued benefit, the current system shall
18 calculate the average accrued benefit and the former
19 system shall transfer to the current system assets in
20 an amount equal to the average accrued benefit. Once
21 the transfer of the average accrued benefit is
22 completed, the member's service under the former
23 system shall be treated as membership service under
24 the current system for purposes of this chapter and
25 chapter 411.

DIVISION IV

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

27 Sec. 90. Section 400.8, subsection 1, Code 1995,
28 is amended to read as follows:
29

30 1. The commission, when necessary under the rules,
31 including minimum and maximum age limits, which shall
32 be prescribed and published in advance by the
33 commission and posted in the city hall, shall hold
34 examinations for the purpose of determining the
35 qualifications of applicants for positions under civil
36 service, other than promotions, which examinations
37 shall be practical in character and shall relate to
38 matters which will fairly test the mental and physical
39 ability of the applicant to discharge the duties of
40 the position to which the applicant seeks appointment.
41 The physical examination of applicants for appointment
42 to the positions of police officer, police matron, or
43 fire fighter shall be held in accordance with medical
44 protocols established by the board of trustees of the
45 fire and police retirement system established by
46 section 411.5. The board of trustees may change the
47 medical protocols at any time the board so determines.
48 The commission shall conduct a medical examination of
49 an applicant for the position of police officer,
50 police matron, or fire fighter after a conditional

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1 offer of employment has been made to the applicant.
2 An applicant shall not be discriminated against on the
3 basis of height, weight, sex, or race in determining
4 physical or mental ability of the applicant.
5 Reasonable rules relating to strength, agility, and
6 general health of applicants shall be prescribed. The
7 costs of the physical examination required under this
8 subsection shall be paid from the trust and agency
9 fund of the city.

10 Sec. 91. Section 411.5, Code 1995, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 13. VOLUNTARY BENEFIT PROGRAMS.

13 The board of trustees shall be responsible for the
14 administration of the voluntary benefit programs
15 established under section 411.40. The board may take
16 any necessary action, including the adoption of rules,
17 for purposes of administering the programs.

18 Sec. 92. Section 411.6, subsection 7, paragraph a,
19 unnumbered paragraph 1, Code 1995, is amended to read
20 as follows:

21 Should any beneficiary for either ordinary or
22 accidental disability, except a beneficiary who is
23 fifty-five years of age or over and would have
24 completed twenty-two years of service if the
25 beneficiary had remained in active service, be engaged
26 in a gainful occupation paying more than the
27 difference between the member's retirement allowance
28 and one and one-half times the earnable compensation
29 of an active member at the same position on the salary
30 scale within the member's rank as the member held at
31 retirement, then the amount of the member's retirement
32 allowance shall be reduced to an amount which together
33 with the amount earned by the member shall equal one
34 and one-half times the amount of the current earnable
35 compensation of an active member at the same position
36 on the salary scale within the member's rank as the
37 member held at retirement. Should the member's
38 earning capacity be later changed, the amount of the
39 member's retirement allowance may be further modified,
40 provided, that the new retirement allowance shall not
41 exceed the amount of the retirement allowance adjusted
42 by annual readjustments of pensions pursuant to
43 subsection 12 of this section nor an amount which,
44 when added to the amount earned by the beneficiary,
45 equals one and one-half times the amount of the
46 earnable compensation of an active member at the same
47 position on the salary scale within the member's rank
48 as the member held at retirement. A beneficiary
49 restored to active service at a salary less than the
50 average final compensation upon the basis of which the

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1 member was retired at age fifty-five or greater, shall
2 not again become a member of the retirement system and
3 shall have the member's retirement allowance suspended
4 while in active service. If the rank or position held
5 by the retired member is subsequently abolished,
6 adjustments to the allowable limit on the amount of
7 income which can be earned in a gainful occupation
8 shall be computed ~~in the same manner as provided in~~
9 ~~subsection 12, paragraph "c", of this section for~~
10 ~~readjustment of pensions when a rank or position has~~
11 ~~been abolished by the board of trustees as though such~~
12 rank or position had not been abolished and salary
13 increases had been granted to such rank or position on
14 the same basis as increases granted to other ranks and
15 positions in the department.

16 Sec. 93. Section 411.6, subsection 12, paragraphs
17 a through c, Code 1995, are amended by striking the
18 paragraphs and inserting in lieu thereof the
19 following:

20 a. On each July 1, the monthly pensions authorized
21 in this section payable to retired members and to
22 beneficiaries shall be adjusted as provided in this
23 subsection. An amount equal to the sum of one and
24 one-half percent of the monthly pension of each
25 retired member and beneficiary and the applicable
26 incremental amount shall be added to the monthly
27 pension of each retired member and beneficiary. The
28 board of trustees shall report to the general assembly
29 every six years, by September 15 of that year,
30 beginning with September 15, 2001, on whether the
31 provisions of this subsection continue to provide an
32 equitable method for the annual readjustment of
33 pensions payable under this chapter.

34 b. For purposes of this subsection, "applicable
35 incremental amount" means the following amount for
36 members receiving a pension under subsection 2, 4, or
37 6 and for beneficiaries receiving a pension under
38 subsection 11:

39 (1) Fifteen dollars where the member's retirement
40 date was less than five years prior to the effective
41 date of the increase.

42 (2) Twenty dollars where the member's retirement
43 date was at least five years, but less than ten years,
44 prior to the effective date of the increase.

45 (3) Twenty-five dollars where the member's
46 retirement date was at least ten years, but less than
47 fifteen years, prior to the effective date of the
48 increase.

49 (4) Thirty dollars where the member's retirement
50 date was at least fifteen years, but less than twenty

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1 years, prior to the effective date of the increase.

2 (5) Thirty-five dollars where the member's
3 retirement date was at least twenty years prior to the
4 effective date of the increase.

5 c. For beneficiaries receiving a pension under
6 subsection 8 or 9, the applicable incremental amount
7 shall be determined as set forth in paragraph "b",
8 except that the date of the member's death shall be
9 substituted for the member's retirement date.

10 Sec. 94. Section 411.6, subsection 12, Code 1995,
11 is amended by adding the following new paragraph:
12 NEW PARAGRAPH. e. A retired member eligible for
13 benefits under this section and otherwise eligible for
14 the readjustment of benefits provided in this
15 subsection is not eligible for the readjustment unless
16 the member was retired on or before the effective date
17 of the readjustment.

18 Sec. 95. Section 411.13, Code 1995, is amended to
19 read as follows:

20 411.13 EXEMPTION FROM EXECUTION AND OTHER PROCESS,
21 OR ASSIGNMENT - EXCEPTIONS.

22 The right of any person to a pension, annuity, or
23 retirement allowance, to the return of contributions,
24 the pension, annuity, or retirement allowance itself,
25 any optional benefit or death benefit, any other right
26 accrued or accruing to any person under this chapter,
27 and the moneys in the fire and police retirement fund
28 created under this chapter, are not subject to
29 execution, garnishment, attachment, or any other
30 process whatsoever, and are unassignable except for
31 the purposes of enforcing child, spousal, or medical
32 support obligations or marital property orders, or as
33 in this chapter otherwise specifically provided in
34 this chapter. For the purposes of enforcing child,
35 spousal, or medical support obligations, the
36 garnishment or attachment of or the execution against
37 compensation due a person under this chapter shall not
38 exceed the amount specified in 15 U.S.C. § 1673(b).

39 Sec. 96. NEW SECTION. 411.31 OPTIONAL TRANSFERS
40 WITH CHAPTER 97A.

41 1. For purposes of this section, unless the
42 context otherwise requires:

43 a. "Average accrued benefit" means the average of
44 the amounts representing the present value of the
45 accrued benefit earned by the member determined by the
46 former system and the present value of the accrued
47 benefit earned by the member determined by the current
48 system.

49 b. "Current system" means the eligible retirement
50 system in which a person has commenced employment

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1 covered by the system after having terminated
2 employment covered by the former system.

3 c. "Eligible retirement system" means the system
4 created under this chapter and the Iowa department of
5 public safety peace officers' retirement, accident,
6 and disability system established in chapter 97A.

7 d. "Former system" means the eligible retirement
8 system in which a person has terminated employment
9 covered by the system prior to commencing employment
10 covered by the current system.

11 2. Commencing July 1, 1996, a vested member of an
12 eligible retirement system who terminates employment
13 covered by one eligible retirement system and, within
14 sixty days, commences employment covered by the other
15 eligible retirement system may elect to transfer the
16 average accrued benefit earned from the former system
17 to the current system. The member shall file an
18 application with the current system for transfer of
19 the average accrued benefit within ninety days of the
20 commencement of employment with the current system.

21 3. Notwithstanding subsection 2, a vested member
22 whose employment with the current system commenced
23 prior to July 1, 1996, may elect to transfer the
24 average accrued benefit earned under the former system
25 to the current system by filing an application with
26 the current system for transfer of the average accrued
27 benefit on or before July 1, 1997.

28 4. Upon receipt of an application for transfer of
29 the average accrued benefit, the current system shall
30 calculate the average accrued benefit and the former
31 system shall transfer to the current system assets in
32 an amount equal to the average accrued benefit. Once
33 the transfer of the average accrued benefit is
34 completed, the member's service under the former
35 system shall be treated as membership service under
36 the current system for purposes of this chapter and
37 chapter 97A.

38 Sec. 97. Section 411.37, subsection 2, Code 1995,
39 is amended to read as follows:

40 2. The board shall include in the transition plan
41 or other transition documents, provisions to
42 facilitate continuity under sections 411.20, 411.21,
43 and 411.30 and a recommendation for an equitable
44 process for determining earnable compensation changes
45 when calculating adjustments to pensions under section
46 411.6, subsection 12, to be submitted to the general
47 assembly meeting in 1991.

48 Sec. 98. Section 411.38, subsection 1, paragraph
49 b, unnumbered paragraph 1, Code 1995, is amended to
50 read as follows:

Page 49

1 Transfer from each terminated city fire or police
2 retirement system to the statewide system amounts
3 sufficient to cover the accrued liabilities of that
4 terminated system as determined by the actuary of the
5 statewide system. The actuary of the statewide system
6 shall redetermine the accrued liabilities of the
7 terminated systems as necessary to take into account
8 additional amounts payable by the city which are
9 attributable to errors or omissions which occurred
10 prior to January 1, 1992, or to matters pending as of
11 January 1, 1992. If the actuary of the statewide
12 system determines that the assets transferred by a
13 terminated system are insufficient to fully fund the
14 accrued liabilities of the terminated system as
15 determined by the actuary as of January 1, 1992, the
16 participating city shall pay to the statewide system
17 an amount equal to the unfunded liability plus
18 interest for the period beginning January 1, 1992, and
19 ending with the date of payment or the date of entry
20 into an amortization agreement pursuant to this
21 section. Interest on the unfunded liability shall be
22 computed at a rate equal to the greater of the
23 actuarial interest rate assumption on investments of
24 the moneys in the fund or the actual investment
25 earnings of the fund for the applicable calendar year.
26 The participating city may enter into an agreement
27 with the statewide system to make additional annual
28 contributions sufficient to amortize the unfunded
29 accrued liability of the terminated system. The terms
30 of an amortization agreement shall be based upon the
31 recommendation of the actuary of the statewide system,
32 and the agreement shall do each of the following:

33 Sec. 99. NEW SECTION. 411.40 VOLUNTARY BENEFIT
34 PROGRAMS.

35 The board of trustees may establish voluntary
36 benefit programs for members subject to the following
37 conditions:

- 38 1. The voluntary benefit programs may provide
39 benefits including, but not limited to, retiree health
40 benefits, long-term care, and life insurance.
- 41 2. Participation in the voluntary benefit programs
42 by members shall be voluntary.
- 43 3. Contributions to the voluntary benefit programs
44 shall be paid entirely by each participating member by
45 means of payroll deduction. Cities employing members
46 participating in voluntary benefit programs shall
47 forward the amounts deducted to the board of trustees
48 for deposit in the voluntary benefit fund.
- 49 4. The voluntary benefit programs and the
50 voluntary benefit fund shall be administered under the

Page 50

1 direction of the board of trustees for the exclusive
2 benefit of members paying contributions as provided in
3 subsection 3.

4 5. The assets of the voluntary benefit programs
5 shall be credited to the voluntary benefit fund, which
6 is hereby created. The voluntary benefit fund shall
7 include contributions deposited in accordance with
8 subsection 3, and any interest and earnings on the
9 contributions. The board of trustees shall annually
10 establish an investment policy to govern the
11 investment and reinvestment of the assets in the
12 voluntary benefit fund. The voluntary benefit fund
13 created under this section and the fire and police
14 retirement fund created under section 411.8 shall not
15 be used to subsidize any portion of the liabilities of
16 the other fund.

17 6. The board of trustees shall include in its
18 annual budget the amount of money necessary during the
19 following year to provide for the expense of operation
20 of the voluntary benefit programs. The operating
21 expenses shall be paid from the voluntary benefit fund
22 under the direction of the board of trustees.

23 DIVISION V

24 JUDICIAL RETIREMENT SYSTEM

25 Sec. 100. Section 602.9111, Code 1995, is amended
26 to read as follows:

27 602.9111 INVESTMENT OF FUND.

28 So much of the judicial retirement fund as may not
29 be necessary to be kept on hand for the making of
30 disbursements under this article shall be invested by
31 the treasurer of state in ~~bonds or other evidences of~~
32 ~~indebtedness issued, assumed, or guaranteed by the~~
33 ~~United States of America, or by any agency or~~
34 ~~instrumentality thereof or in any investments~~
35 authorized for the Iowa public employees' retirement
36 system in section 97B.7, subsection 2, paragraph "b",
37 and the earnings therefrom shall be credited to ~~said~~
38 the fund. The treasurer of state may execute
39 contracts and agreements with investment advisors,
40 consultants, and investment management and benefit
41 consultant firms in the administration of the judicial
42 retirement fund.

43 Investment management expenses shall be charged to
44 the investment income of the fund and there is
45 appropriated from the fund an amount required for the
46 investment management expenses. The court
47 administrator shall report the investment management
48 expenses for the fiscal year as a percent of the
49 market value of the system.

50 For purposes of this section, investment management

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1 expenses are limited to the following:

2 a. Fees for investment advisors, consultants, and
 3 investment management and benefit consultant firms
 4 hired by the treasurer of state in administering the
 5 fund.

6 b. Fees and costs for safekeeping fund assets.

7 c. Costs for performance and compliance
 8 monitoring, and accounting for fund investments.

9 d. Any other costs necessary to prudently invest
 10 or protect the assets of the fund. The state court
 11 administrator and the treasurer of state, and their
 12 employees, are not personally liable for claims based
 13 upon an act or omission of the person performed in the
 14 discharge of the person's duties concerning the
 15 judicial retirement fund, except for acts or omissions
 16 which involve malicious or wanton misconduct.

17 DIVISION IV

18 EFFECTIVE AND APPLICABILITY PROVISIONS

19 Sec. 101. EFFECTIVE AND RETROACTIVE APPLICABILITY
 20 DATES.

21 1. The section of this Act which amends section
 22 97B.49, subsection 16, by enacting a new paragraph
 23 "m", being deemed of immediate importance, takes
 24 effect upon enactment and applies retroactively to
 25 July 1, 1992.

26 2. The section of this Act which amends section
 27 411.6, subsection 12, paragraphs "a" through "c",
 28 takes effect July 1, 1997."

Larkin of Lee asked and received unanimous consent that amendments H-5792 and H-5864, to the committee amendment H-5515, be deferred.

Martin of Scott offered the following amendment H-6034, to the committee amendment H-5515, filed by Martin, Jacobs and Gipp from the floor and moved its adoption:

H-6034

1 Amend the amendment, H-5515, to Senate File 2245,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 14, line 3, by striking the words
 5 "paragraph "e"" and inserting the following:
 6 "paragraphs "e" and "f"".

7 2. Page 14, line 42, by striking the words
 8 "paragraph "e"" and inserting the following:
 9 "paragraphs "e" and "f"".

10 3. Page 16, by inserting after line 41 the
 11 following:

12 "Sec. ____ Section 97B.49, subsection 5, Code

13 Supplement 1995, is amended by adding the following
14 new paragraph:

15 NEW PARAGRAPH. f. For each active or inactive
16 vested member retiring on or after July 1, 1996, the
17 percentage multiplier of the three-year average
18 covered wage used under subsections 5, 15, 16, and 17
19 to calculate the monthly retirement allowance shall be
20 increased by one-fourth of one percentage point for
21 each additional calendar quarter of membership service
22 beyond the applicable years of service, not to exceed
23 a total of five additional percentage points. For
24 purposes of this paragraph, "the applicable years of
25 service" shall be the following, based upon the
26 service retirement allowance selected:

27 (1) For members receiving a retirement allowance
28 for regular service under subsection 5 or 15, or
29 receiving a combined retirement allowance under
30 subsection 17, the applicable years of service is
31 thirty.

32 (2) For members receiving a retirement allowance
33 for service in a protection occupation under
34 subsection 16, paragraph "a", the applicable years of
35 service is twenty-five.

36 (3) For members receiving a retirement allowance
37 for service as a sheriff, deputy sheriff, or airport
38 fire fighter under subsection 16, paragraph "b",
39 subparagraph (1) or (2), the applicable years of
40 service is twenty-two."

41 4. By striking page 16, line 42, through page 18,
42 line 2, and inserting the following:

43 "Sec. ____ Section 97B.49, subsection 13, Code
44 Supplement 1995, is amended to read as follows:

45 13. a. A member who retired from the system
46 between January 1, 1976, and June 30, 1982, or a
47 contingent annuitant or beneficiary of such a member,
48 shall receive with the November 1994 and the November
49 1995 1996 monthly benefit payments payment a
50 retirement dividend equal to one two hundred eighty-

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1 one twenty-three percent of the monthly benefit
2 payment the member received for the preceding June, or
3 the most recently received benefit payment, whichever
4 is greater. The retirement dividend does not affect
5 the amount of a monthly benefit payment.

6 b. Each member who retired from the system between
7 July 4, 1953, and December 31, 1975, or a contingent
8 annuitant or beneficiary of such a member, shall
9 receive with the November 1994 and the November 1995
10 1996 monthly benefit payments payment a retirement
11 dividend equal to two hundred ~~thirty-six~~ ninety-two
12 percent of the monthly benefit payment the member

13 received for the preceding June, or the most recently
14 received benefit payment, whichever is greater. The
15 retirement dividend does not affect the amount of a
16 monthly benefit payment.

17 c. Notwithstanding the determination of the amount
18 of a retirement dividend under paragraph "a", "b",
19 "d", or "f", or "g", a retirement dividend shall not
20 be less than twenty-five dollars.

21 d. A member who retired from the system between
22 July 1, 1982, and June 30, 1986, or a contingent
23 annuitant or beneficiary of such a member, shall
24 receive with the November 1994 ~~and the November 1995~~
25 1996 monthly benefit payments payment a retirement
26 dividend equal to ~~forty-nine~~ seventy-four percent of
27 the monthly benefit payment the member received for
28 the preceding June, or the most recently received
29 benefit payment, whichever is greater. The retirement
30 dividend does not affect the amount of a monthly
31 benefit payment.

32 e. If the member dies on or after July 1 of the
33 dividend year but before the payment date, the full
34 amount of the retirement dividend for that year shall
35 be paid ~~to the designated beneficiary to the member's~~
36 account, upon notification of the member's death. If
37 ~~there is no beneficiary designated by the member, the~~
38 ~~department shall pay the dividend to the member's~~
39 ~~estate. The beneficiary, or the representative of the~~
40 ~~member's estate, must apply for the dividend within~~
41 ~~two years after the dividend is payable or the~~
42 ~~dividend is forfeited.~~

43 f. A member who retired from the system between
44 July 1, 1986, and June 30, 1990, or a contingent
45 annuitant or beneficiary of such a member, shall
46 receive with the November 1996 ~~and the November 1997~~
47 monthly benefit payments payment a retirement dividend
48 ~~in an amount determined by the general assembly equal~~
49 ~~to twenty-four percent of the monthly benefit payment~~
50 the member received for the preceding June, or the

Page 3

1 most recently received benefit payment, whichever is
2 greater. The retirement dividend does not affect the
3 amount of a monthly benefit payment.

4 Sec. ____ Section 97B.49, subsection 13, Code
5 Supplement 1995, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. g. Effective July 1, 1997,
8 commencing with dividends payable in November 1997,
9 and for each subsequent year, all members who retired
10 prior to July 1, 1990, shall be eligible for annual
11 dividend payments, payable in November of that year,
12 pursuant to the requirements of this paragraph. The

13 dividend payable in any given year shall be the sum of
14 the dollar amount of the dividend payable in the
15 previous November and the dividend adjustment.

16 The dividend adjustment for a given year shall be
17 calculated by multiplying the total of the retiree's
18 monthly benefit payments and the dividend payable to
19 the retiree in the previous calendar year by the
20 applicable percentage as determined by this paragraph.
21 The applicable percentage shall be the least of the
22 following percentages:

23 (1) The percentage representing eighty percent of
24 the percentage increase in the consumer price index
25 published in the federal register by the federal
26 department of labor, bureau of labor statistics, that
27 reflects the percentage increase in the consumer price
28 index for the twelve-month period ending June 30 of
29 the year that the dividend is to be paid.

30 (2) The percentage representing the percentage
31 amount the actuary has certified, in the annual
32 actuarial valuation of the system as of June 30 of the
33 year in which the dividend is to be paid, that the
34 fund can absorb without requiring an increase in the
35 employer and employee contributions to the fund.

36 (3) Three percent.

37 The dividend determined pursuant to this paragraph
38 shall not be used to increase the monthly benefit
39 amount payable."

40 5. Page 18, by inserting before line 3 the
41 following:

42 "Sec. ____ Section 97B.49, subsection 15,
43 paragraph b, Code Supplement 1995, is amended to read
44 as follows:

45 b. For each active or inactive vested member
46 retiring on or after July 1, 1990, and before July 1,
47 1996, who is at least fifty-five years of age and for
48 which the sum of the number of years of membership
49 service and prior service and the member's age in
50 years as of the member's last birthday equals or

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1 exceeds ninety-two, a monthly benefit shall be
2 computed which is equal to one-twelfth of the same
3 percentage of the three-year average covered wage of
4 the member as is provided in subsection 5.

5 Sec. ____ Section 97B.49, subsection 15, Code
6 Supplement 1995, is amended by adding the following
7 new paragraphs:

8 NEW PARAGRAPH. c. For each active or inactive
9 vested member retiring on or after July 1, 1996, and
10 before the implementation date provided in paragraph
11 "d", subparagraph (2), who is at least fifty-five
12 years of age and for which the sum of the number of

13 years of membership service and prior service and the
 14 member's age in years as of the member's last birthday
 15 equals or exceeds ninety, a monthly benefit shall be
 16 computed which is equal to one-twelfth of the same
 17 percentage of the three-year average covered wage of
 18 the member as is provided in subsection 5, multiplied
 19 by a fraction of years of service as is provided in
 20 subsection 5.

21 NEW PARAGRAPH. d. (1) For each active or
 22 inactive vested member retiring on or after the
 23 implementation date provided in subparagraph (2), who
 24 is at least fifty-five years of age and for which the
 25 sum of the number of years of membership service and
 26 prior service and the member's age in years as of the
 27 member's last birthday equals or exceeds eighty-eight,
 28 a monthly benefit shall be computed which is equal to
 29 one-twelfth of the same percentage of the three-year
 30 average covered wage of the member as is provided in
 31 subsection 5, multiplied by a fraction of years of
 32 service as is provided in subsection 5.

33 (2) The department shall implement this paragraph
 34 on July 1, 1997, or on the date that the department
 35 determines that the most recent annual actuarial
 36 valuation of the system indicates that the employer
 37 and employee contribution rates in effect under
 38 section 97B.11 can absorb the costs of this paragraph,
 39 whichever is later. However, until this paragraph is
 40 implemented, the department shall not pay a dividend
 41 adjustment pursuant to subsection 13, paragraph "g".

42 6. Page 19, line 39, by inserting after the
 43 letter "c." the following: "(1)".

44 7. Page 19, by inserting after line 46 the
 45 following:

46 "(2) In calculating the combined monthly
 47 retirement allowance pursuant to paragraph "a", and in
 48 determining the applicable percentage multiplier
 49 established in subsection 5, the member shall be
 50 entitled to an addition in the percentage multiplier

Page 5.

1 in accordance with subsection 5, paragraph "f", only
 2 for those years of service in excess of thirty years.
 3 Any addition in the percentage multiplier shall be
 4 included in the calculations required under paragraph
 5 "a", subparagraphs (1), (2), and (3) of this
 6 subsection."

7 8. Page 35, by inserting after line 40 the
 8 following:

9 "Sec. ____ STUDY OF PROPOSALS CONCERNING
 10 CONTRIBUTION RATES - IOWA PUBLIC EMPLOYEES'
 11 RETIREMENT SYSTEM - REPORT. The Iowa public
 12 employees' retirement system division, in consultation

13 with the public retirement systems committee
14 established in section 97D.4, shall study proposals
15 concerning various options for establishing equitable
16 contribution rates for both employers and employees
17 covered by the Iowa public employees' retirement
18 system. In conducting the study, the division shall
19 consider a proposal to provide that the employee and
20 employer contribution rate be equal. On or before
21 September 1, 1997, the Iowa public employees'
22 retirement system division shall file a report with
23 the legislative service bureau, for distribution to
24 the public retirement systems committee, which
25 contains the results of the study and any proposal, or
26 proposals, for establishing employer and employee
27 contribution rates. The report shall also contain
28 actuarial information concerning the costs of the
29 proposal or proposals.

30 Sec. ____ STUDY OF PROPOSALS REGARDING DISABILITY
31 RETIREMENT BENEFITS - IOWA PUBLIC EMPLOYEES'
32 RETIREMENT SYSTEM - REPORT. The Iowa public
33 employees' retirement system division, in consultation
34 with the public retirement systems committee
35 established in section 97D.4, shall study proposals
36 concerning various options for establishing disability
37 retirement benefits for employees, or certain
38 employees, covered by the Iowa public employees'
39 retirement system. In conducting the study, the
40 division shall consider a proposal to provide
41 disability retirement benefits for sheriffs, deputy
42 sheriffs, airport fire fighters, or members of a
43 protection occupation in a manner similar to the
44 disability retirement benefits provided under chapters
45 97A and 411. On or before September 1, 1997, the Iowa
46 public employees' retirement system division shall
47 file a report with the legislative service bureau, for
48 distribution to the public retirement systems
49 committee, which contains the results of the study and
50 any proposal, or proposals, for establishing

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1 disability retirement benefits. The report shall also
2 contain actuarial information concerning the costs of
3 the proposal or proposals.

4 Sec. ____ STUDY OF PROPOSALS CONCERNING INCLUSION
5 OF MEMBERS IN A PROTECTION OCCUPATION - IOWA PUBLIC
6 EMPLOYEES' RETIREMENT SYSTEM - REPORT. The Iowa
7 public employees' retirement system division, in
8 consultation with the public retirement systems
9 committee established in section 97D.4, shall study
10 proposals concerning various options for determining
11 additional occupations of members who should be
12 eligible for inclusion as members in a protection

13 occupation as provided in section 97B.49, subsection
 14 16, paragraph "d". On or before September 1, 1997,
 15 the Iowa public employees' retirement system division
 16 shall file a report with the legislative service
 17 bureau, for distribution to the public retirement
 18 systems committee, which contains the results of the
 19 study and any proposal, or proposals, for establishing
 20 which occupations should qualify for inclusion in a
 21 protection occupation. The report shall also contain
 22 actuarial information concerning the costs of the
 23 proposal or proposals.

24 Sec. ____ STUDY CONCERNING ORGANIZATIONAL
 25 STRUCTURE OF THE IOWA PUBLIC EMPLOYEES' RETIREMENT
 26 SYSTEM. The public retirement systems committee
 27 established in section 97D.4 shall study the
 28 feasibility of changing the organizational structure
 29 and governance of the Iowa public employees'
 30 retirement system. The committee shall consider the
 31 recommendations of the Buck Consultants Inc. report
 32 submitted to the Iowa public employees' retirement
 33 system in 1995, the Iowa public employees' retirement
 34 system division, and the department of personnel. The
 35 public retirement systems committee shall submit a
 36 report to the general assembly on or before January
 37 31, 1998, containing its findings and
 38 recommendations."

39 9. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Myers of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-6034, to the committee amendment H-5515, be adopted?" (S.F. 2245)

The ayes were, 94:

Arnold	Bell	Bernau	Blodgett
Boguess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.

Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Baker	Boddicker	Brammer	Drees
Larson	Salton		

Amendment H-6034 was adopted, placing the following amendments, to the committee amendment H-5515, out of order:

H-5850, filed by Grundberg of Polk, et. al., on April 3, 1996.

H-5962, filed by Halvorson of Clayton on April 16, 1996.

Connors of Polk offered the following amendment H-5533, to the committee amendment H-5515, filed by Connors, et. al., and moved its adoption:

H-5533

- 1 Amend the amendment, H-5515, to Senate File 2245,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 18, by inserting after line 2 the
- 5 following:
- 6 "Sec. __. Section 97B.49, subsection 16,
- 7 paragraph b, Code Supplement 1995, is amended by
- 8 adding the following new subparagraph:
- 9 NEW SUBPARAGRAPH. (3) A member who retires from
- 10 employment as a county sheriff, deputy sheriff, or
- 11 airport fire fighter, who retires on or after July 1,
- 12 1997, and at the time of retirement has completed a
- 13 total of twenty-five years of membership service with
- 14 the last twelve years of membership service as a
- 15 county sheriff, deputy sheriff, or airport fire
- 16 fighter, may elect to receive in lieu of the receipt
- 17 of any benefits under subsection 5 or 15, or
- 18 subparagraphs (1) and (2) of this paragraph, a monthly
- 19 retirement allowance equal to one-twelfth of the
- 20 applicable percentage multiplier of the member's
- 21 three-year average covered wage as is provided in
- 22 paragraph "a", with benefits payable during the
- 23 member's lifetime."
- 24 2. By renumbering as necessary.

Amendment H-5533 lost.

Warnstadt of Woodbury offered the following amendment H-6035, to the committee amendment H-5515, filed by him from the floor and moved its adoption:

H-6035

- 1 Amend the amendment, H-5515, to Senate File 2245,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 20, by inserting after line 32 the
- 5 following:
- 6 "Sec. ____ NEW SECTION. 97B.50A DISABILITY
- 7 BENEFITS FOR AIRPORT FIRE FIGHTERS.
- 8 1. DEFINITIONS. For purposes of this section,
- 9 unless the context otherwise provides, "member" means
- 10 a vested member who is classified as an airport fire
- 11 fighter under section 97B.49, subsection 16, at the
- 12 time of the alleged disability.
- 13 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.
- 14 a. Effective July 1, 1997, a member who is injured
- 15 in the performance of the member's duties, and
- 16 otherwise meets the requirements of this subsection
- 17 shall receive an accidental disability retirement
- 18 allowance under the provisions of this subsection, in
- 19 lieu of a monthly retirement allowance as provided in
- 20 section 97B.49 or benefits calculated as provided in
- 21 section 97B.50, subsection 2.
- 22 b. Upon application of a member, a member who has
- 23 become totally and permanently incapacitated for duty
- 24 as the natural and proximate result of an injury,
- 25 disease, or exposure occurring or aggravated while in
- 26 the actual performance of duty shall be retired by the
- 27 department, provided that the medical board shall
- 28 certify that the member is mentally or physically
- 29 incapacitated for further performance of duty, that
- 30 the incapacity is likely to be permanent, and that the
- 31 member should be retired. The department shall make
- 32 the final determination, based on the medical evidence
- 33 received, of a member's total and permanent
- 34 disability. However, if a person's membership in the
- 35 system first commenced on or after July 1, 1997, the
- 36 member shall not be eligible for benefits with respect
- 37 to a disability which would not exist, but for a
- 38 medical condition that was known to exist on the date
- 39 that membership commenced.
- 40 c. Disease under this subsection shall mean heart
- 41 disease or any disease of the lungs or respiratory
- 42 tract and shall be presumed to have been contracted
- 43 while on active duty as a result of strain, exposure,
- 44 or the inhalation of noxious fumes, poison, or gases.
- 45 However, if a person's membership in the system first

46 commenced on or after July 1, 1997, and the heart
47 disease or disease of the lungs or respiratory tract
48 would not exist, but for a medical condition that was
49 known to exist on the date that membership commenced,
50 the presumption established in this paragraph shall

Page 2

1 not apply.

2 d. Upon retirement for an accidental disability as
3 provided by this subsection, a member shall receive
4 the greater of a monthly accidental disability
5 retirement allowance calculated under this subsection
6 or a disability retirement allowance calculated under
7 section 97B.50, subsection 2. The monthly accidental
8 disability allowance calculated under this subsection
9 shall consist of an allowance equal to one-twelfth of
10 sixty percent of the member's three-year average
11 covered wage at the time of disability.

12 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

13 a. Effective July 1, 1997, a member who otherwise
14 meets the requirements of this subsection shall
15 receive an ordinary disability retirement allowance
16 under the provisions of this subsection, in lieu of a
17 monthly retirement allowance as provided in section
18 97B.49 or benefits calculated as provided in section
19 97B.50, subsection 2.

20 b. Upon application of a member, a member who has
21 become totally and permanently incapacitated for duty
22 shall be retired by the department, provided that the
23 medical board shall certify that the member is
24 mentally or physically incapacitated for further
25 performance of duty, that the incapacity is likely to
26 be permanent, and that the member should be retired.
27 The department shall make the final determination,
28 based on the medical evidence received, of a member's
29 total and permanent disability. However, if a
30 person's membership in the system first commenced on
31 or after July 1, 1997, the member shall not be
32 eligible for benefits with respect to a disability
33 which would not exist, but for a medical condition
34 that was known to exist on the date that membership
35 commenced.

36 c. Upon retirement for an ordinary disability as
37 provided by this subsection, a member shall receive
38 the greater of a monthly ordinary disability
39 retirement allowance calculated under this subsection
40 or a disability retirement allowance calculated under
41 section 97B.50, subsection 2. The monthly ordinary
42 disability allowance calculated under this subsection
43 shall consist of an allowance equal to one-twelfth of
44 fifty percent of the member's three-year average
45 covered wage at the time of disability.

46 4. OFFSET TO ALLOWANCE. Any amounts which may be
47 paid or payable by the employer under the provisions
48 of any workers' compensation or other law to a member,
49 or to the dependents of a member on account of a member
50 disability, shall be offset against and payable in

Page 3

1 lieu of any retirement allowance payable pursuant to
2 this section on account of the same disability.

3 5. REEXAMINATION - REEMPLOYMENT OF MEMBERS
4 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.

5 a. Once each year during the first five years
6 following the retirement of a member under this
7 section, and once in every three-year period
8 thereafter, the department may, and upon the member's
9 application shall, require any member receiving an
10 accidental or ordinary disability retirement allowance
11 who has not yet attained the age of fifty-five years
12 to undergo a medical examination as arranged by the
13 medical board. The examination shall be made by the
14 medical board or by an additional physician or
15 physicians designated by the board. If any member
16 receiving an accidental or ordinary disability
17 retirement allowance who has not attained the age of
18 fifty-five years refuses to submit to the medical
19 examination, the allowance may be discontinued until
20 the member's withdrawal of the refusal, and should the
21 member's refusal continue for one year, all rights in
22 and to the member's disability retirement allowance
23 shall be revoked by the department.

24 b. If a member receiving a disability retirement
25 allowance is returned to covered employment, the
26 member's disability retirement allowance shall cease,
27 the member shall again become an active member, and
28 shall contribute thereafter at the same rate payable
29 by similarly classified members. Upon subsequent
30 retirement, the member's retirement allowance shall be
31 calculated as provided in section 97B.48A.

32 6. DEATH BENEFITS. A member who is receiving an
33 accidental or ordinary disability retirement allowance
34 under this section shall be treated as having elected
35 a lifetime monthly retirement allowance with no death
36 benefit unless the member elects an optional form of
37 benefit provided under section 97B.51, which shall be
38 actuarially equivalent to the lifetime monthly
39 retirement allowance provided under this section.

40 7. MEDICAL BOARD. The system shall designate a
41 medical board to be composed of three physicians who
42 shall arrange for and pass upon the medical
43 examinations required under the provisions of this
44 section and shall report in writing to the department
45 the conclusions and recommendations upon all matters

46 duly referred to the medical board. Each report of a
 47 medical examination under this section shall include
 48 the medical board's findings as to the extent of the
 49 member's physical impairment.
 50 8. RULES. The department shall adopt rules

Page 4

- 1 pursuant to chapter 17A specifying the application
- 2 procedure for members pursuant to this section."
- 3 2. By renumbering as necessary.

Roll call was requested by Taylor of Linn and Warnstadt of Woodbury.

On the question "Shall amendment H-6035, to the committee amendment H-5515, be adopted?" (S.F. 2245)

The ayes were, 37:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 58:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Renken	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen,		
	Presiding		

Absent or not voting, 5:

Boddicker	Brammer	Drees	Larson
Salton			

Amendment H-6035 lost.

Sukup of Franklin asked and received unanimous consent to withdraw amendment H-5995, to the committee amendment H-5515, filed by Sukup, et. al., on April 17, 1996.

Martin of Scott offered the following amendment H-5919, to the committee amendment H-5515, filed by her and Connors and moved its adoption:

H-5919

- 1 Amend the amendment, H-5515, to Senate File 2245,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 35, by striking lines 24 through 26 and
- 5 inserting the following:
- 6 "Sec. ____ IOWA PUBLIC EMPLOYEES' RETIREMENT
- 7 SYSTEM - DEVELOPMENT OF PROPOSALS FOR ESTABLISHING A
- 8 DEFINED CONTRIBUTION OPTION AND FOR CONVERTING THE
- 9 SYSTEM INTO A DEFINED CONTRIBUTION PLAN - REPORT.
- 10 The Iowa".
- 11 2. Page 35, line 32, by inserting after the word
- 12 "system" the following: "in addition to the current
- 13 defined benefit plan and a proposal concerning various
- 14 alternatives for converting the Iowa public employees'
- 15 retirement system into a defined contribution plan by
- 16 terminating the current defined benefit plan and
- 17 establishing a defined contribution plan".
- 18 3. Page 35, line 37, by striking the words "a
- 19 proposal, or proposals," and inserting the following:
- 20 "proposals".
- 21 4. Page 35, line 38, by inserting after the word
- 22 "option" the following: "and for converting the Iowa
- 23 public employees' retirement system into a defined
- 24 contribution plan".
- 25 5. Page 35, line 40, by striking the words
- 26 "proposal or".
- 27 6. By renumbering as necessary.

Amendment H-5919 was adopted.

Sukup of Franklin offered the following amendment H-6033, to the committee amendment H-5515, filed by him from the floor and moved its adoption:

H-6033

- 1 Amend the amendment, H-5515, to Senate File 2245,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 35, by inserting after line 40 the
- 5 following:
- 6 "Sec. ____ COMPREHENSIVE EXAMINATION OF PLAN

7 DESIGN FOR THE IOWA PUBLIC EMPLOYEES' RETIREMENT
8 SYSTEM – REPORT. The Iowa public employees'
9 retirement system division, in consultation with the
10 public retirement systems committee established in
11 section 97D.4, shall conduct a comprehensive
12 examination of the plan design of the Iowa public
13 employees' retirement system, pursuant to the
14 principles established in chapter 97D, and make
15 recommendations for plan improvement.

16 In conducting the examination, the division shall
17 consider and develop recommendations concerning
18 establishment of the following:

19 1. Objective actuarial standards to determine the
20 funded status of the system, including recommended
21 minimum standards to determine whether the system is
22 fully funded, and to develop safeguards to ensure that
23 the system remains fully funded based on those
24 standards.

25 2. Equitable contribution rates for both employers
26 and employees, to include consideration of proposals
27 to provide for equal employer and employee
28 contribution rates and proposals to increase or
29 decrease contribution rates based on the funded status
30 of the system.

31 3. Establishing a schedule for implementing the
32 recommendations.

33 On or before September 1, 1997, the Iowa public
34 employees' retirement system division shall file a
35 report with the legislative service bureau, for
36 distribution to the public retirement systems
37 committee, which contains the results of the
38 comprehensive examination and any proposal, or
39 proposals, for improving plan design of the Iowa
40 public employees' retirement system. The report shall
41 also contain actuarial information concerning the
42 costs of the proposal or proposals.”

43 2. By renumbering as necessary.

Amendment H-6033 was adopted.

Rants of Woodbury offered the following amendment H-5963, to
the committee amendment H-5515, filed by him and moved its adoption:

H-5963

1 Amend the amendment, H-5515, to Senate File 2245,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 48, by inserting after line 37 the
5 following:

6 “Sec. ____ Section 411.36, subsection 1, paragraph
7 a, Code Supplement 1995, is amended to read as
8 follows:

9 a. Two fire fighters from different participating
 10 cities, one of whom is an active member of the
 11 retirement system and one of whom is a retired member.
 12 The fire fighters shall be appointed by the governing
 13 body of the Iowa association of professional fire
 14 fighters selected pursuant to an election as provided
 15 in section 411.36A.

16 Sec. ____ NEW SECTION. 411.36A ELECTION TO BOARD
 17 - FIRE FIGHTERS.

18 The fire fighters who are voting members of the
 19 board shall be elected by the active members of the
 20 system who are fire fighters. The board shall adopt
 21 guidelines governing the election of the fire fighter
 22 members that shall provide a nomination procedure, the
 23 manner for each participating city fire department to
 24 conduct the election, and that ensures compliance with
 25 the requirements of state law."

26 2. Page 50, by inserting after line 22 the
 27 following:

28 "Sec. ____ BOARD OF TRUSTEES - TRANSITION. The
 29 section of this Act that amends section 411.36 shall
 30 not apply to the members of the board selected
 31 pursuant to section 411.36, subsection 1, paragraph
 32 "a", prior to the effective date of this Act, and
 33 those members shall serve until the expiration of the
 34 terms to which they were appointed. Upon the
 35 expiration of their terms, section 411.36, as amended
 36 by this Act, and section 411.36A shall apply to their
 37 successors."

38 3. By renumbering as necessary.

Amendment H-5963 lost.

Larkin of Lee asked and received unanimous consent to withdraw the following amendments, to the committee amendment H-5515, previously deferred:

H-5792, filed by Larkin, et. al., on April 1, 1996.

H-5864, filed by him on April 4, 1996.

On motion by Martin of Scott, the committee amendment H-5515, as amended, was adopted.

Martin of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2245)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boggett	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett

Carroll	Cataldo	Churchill	Cohon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Boddicker	Brammer	Drees	Larson
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2245** be immediately messaged to the Senate.

The House stood at ease at 4:35 p.m., until the fall of the gavel.

The House resumed session at 4:38 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

SENATE FILE 2040 REREFERRED

The Speaker announced that Senate File 2040, previously referred to committee on **transportation**, was rereferred to committee on **ways and means**.

The House stood at ease at 4:42 p.m., until the fall of the gavel.

The House resumed session at 5:09 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2499, a bill for an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property.

Also: That the Senate on April 22, 1996 adopted the conference committee report and passed Senate File 2446, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2446)

Hahn of Muscatine called up for consideration the report of the conference committee on Senate File 2446 and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2446

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2446, a bill for An Act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5834.
2. That the House recedes from its amendment, S-5613.

3. That Senate File 2446, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes, and for the salaries and support of not more than the following full-time equivalent positions:

..... \$ 1,836,111
..... FTEs 43.45

(1) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$322,406 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a", \$50,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

(3) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$130,519 and 4.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing the values of agricultural land.

(4) Of the amount appropriated in this paragraph "a", not more than \$5,000 shall be allocated to the Iowa limousin cattle junior association in connection with the 1996 national junior limousin cattle show.

(5) Of the amount appropriated in this paragraph "a", \$500 shall be allocated as state aid to support the north Iowa poultry expo.

(6) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$71,486 and 1.00 FTE shall be allocated to support the administrative assistant VI position created in section 26 of this Act.

b. For the operations of the dairy trade practices bureau:
..... \$ 66,846

c. For the purpose of performing commercial feed audits:
..... \$ 64,698

d. For the purpose of performing fertilizer audits:
..... \$ 64,697

2. REGULATORY DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,858,960
..... FTEs 122.50

Of the amount appropriated pursuant to this paragraph "a", not more than \$10,000 shall be used to support the hiring and training of a meat and poultry inspector in west-central Iowa.

b. For the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

..... \$ 651,220

3. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program, and for not more than the following full-time equivalent positions:

..... \$ 852,475
..... FTEs 85.10

(1) Of the amount appropriated in this paragraph "a", \$110,000 shall be used to administer a program relating to the detection, surveillance, and eradication of the gypsy moth. The department shall allocate and use the appropriation made in this paragraph before moneys other than those appropriated in this paragraph are used to support the program.

(2) Of the amount appropriated and the number of full-time equivalent positions authorized in this paragraph "a", \$49,850 and 1.00 FTE shall be used to support an additional regional entomologist for purposes of conducting laboratory and field inspection activities.

(3) Of the number of full-time equivalent positions authorized in this paragraph "a" and funded in paragraph "c", 1.00 FTE shall be used to support an organics program coordinator who shall assure compliance of organic foods sold commercially within the state with federal regulations relating to organic foods.

b. For the operations of the commercial feed programs:

..... \$ 742,499

c. For the operations of the pesticide programs:

..... \$ 1,291,781

Of the amount appropriated in this paragraph "c", \$200,000 shall be allocated to Iowa state university for purposes of training commercial pesticide applicators.

d. For the operations of the fertilizer programs:

..... \$ 633,832

4. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,951,591
..... FTEs 172.28

(1) Of the amount appropriated in this paragraph "a", \$330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

(2) Of the amount appropriated and the number of full-time equivalent positions authorized in this paragraph "a", \$56,000 and 1.00 FTE shall be used to support a position for oversight of financial incentive programs.

b. To provide financial incentives for soil conservation practices under chapter 161A:

..... \$ 6,461,850

c. The following requirements apply to the moneys appropriated in paragraph "b":

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in paragraph "b", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour stripcropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

(5) The financial incentive payments may be used in combination with department of natural resources moneys.

d. The provisions of section 8.33 shall not apply to the moneys appropriated in paragraph "b". Unencumbered or unobligated moneys remaining on June 30, 2000, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1996, shall revert to the general fund on August 31, 2000.

Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

..... \$ 215,807
..... FTEs 1.00

Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:
..... \$ 900,300

2. Persons, including organizations interested in swine production in this state and in the promotion of Iowa pork products who contribute support to the program,

are encouraged to increase financial support for purposes of ensuring the program's effective continuation.

Sec. 4. HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

..... \$ 192,560

DEPARTMENT OF NATURAL RESOURCES

Sec. 5. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,002,389

..... FTEs 119.25

Of the amount appropriated and the number of full-time equivalent positions authorized in this subsection 1, at least \$150,000 and 4.00 FTEs shall be used by administration and support services to support a compliance and permit assistance team to facilitate cooperation between the department and persons regulated by the department in order to ensure efficient compliance with applicable legal requirements.

2. PARKS AND PRESERVES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,546,988

..... FTEs 195.73

3. FORESTS AND FORESTRY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,494,908

..... FTEs 48.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,681,228

..... FTEs 52.00

5. a. ENVIRONMENTAL PROTECTION DIVISION

(1) For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,920,509
..... FTEs	214.50

(2) Of the amount appropriated and the number of full-time equivalent positions authorized in subparagraph (1) at least \$374,600 and 9.00 FTEs shall be used to support the regulation of animal feeding operations.

(3) Of the number of full-time equivalent positions authorized in subparagraph (1), 1.00 FTE shall be used to support the administration of the waste tire management fund, as provided in section 455D.11C, as enacted in 1996 Iowa Acts, House File 2433.

b. WATER QUALITY PROTECTION FUND

For allocation to the administrative account of the water quality protection fund established pursuant to section 455B.183A, to carry out the purpose of that account:

.....	\$ 729,000
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(1) Of the number of full-time equivalent positions authorized in paragraph "a", 32.50 FTEs shall be dedicated to carrying out the provisions of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and to support the program to assist water supply systems as provided in section 455B.183B. However, the limitation on full-time equivalent positions provided in paragraph "a", shall not limit the number of additional fulltime equivalent positions supported by moneys deposited in the water quality protection fund as provided in section 455B.183A, in order to carry out the provisions of division III of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and the administration of the program to assist water supply systems pursuant to section 455B.183B.

(2) In providing assistance to water supply systems, the department shall provide priority to water supply systems serving a population of seven thousand or less. At least 2.00 FTEs shall be allocated to provide assistance to systems serving a population of seven thousand or less.

6. FISH AND WILDLIFE DIVISION

For not more than the following full-time equivalent positions:

.....	FTEs 342.18
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7. WASTE MANAGEMENT ASSISTANCE DIVISION

For not more than the following full-time equivalent positions:

.....	FTEs 16.75
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Sec. 6. STATE FISH AND GAME PROTECTION FUND - APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal

year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 21,340,891

2. The department shall not expend more moneys from the fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative fiscal bureau and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

Sec. 7. MARINE FUEL TAX RECEIPTS – BOATING FACILITIES AND ACCESS. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintaining and developing boating facilities and access to public waters by the parks and preserves division:

..... \$ 411,311

Sec. 8. SNOWMOBILE FEES – TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1996, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:

..... \$ 100,000

Sec. 9. VESSEL FEES – TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1996, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the administration and enforcement of navigation laws and water safety:

..... \$ 1,300,000

Of the amount appropriated in this section and the full-time equivalent positions authorized by section 5, subsection 6, of this Act, not more than \$100,000 and 1.00 FTE may be used for purposes of controlling and eradicating eurasian milfoil.

Notwithstanding section 8.33, moneys transferred pursuant to this section which are unencumbered or unobligated on June 30, 1997, shall be transferred on July 1, 1997, to the special conservation fund established by section 462A.52 to be used as provided in that section, and shall not revert as provided in section 8.33.

RESOURCES ENHANCEMENT AND PROTECTION

Sec. 10. GENERAL APPROPRIATION. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the general fund of the state to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the sum of \$9,000,000, of which all moneys shall be allocated as provided in section 455A.19.

RELATED APPROPRIATIONS

Sec. 11. APPROPRIATION AND TRANSFER FROM ORGANIC NUTRIENT MANAGEMENT FUND. There is appropriated and transferred from the organic nutrient management fund, as created in section 161C.5, to the following entities in the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To Iowa state university for supporting odor control applications of animal feeding operations, including confinement feeding operations, regulated by the department of natural resources pursuant to chapter 455B:

..... \$ 400,000

a. Moneys provided under this subsection for odor control applications of animal feeding operations shall be provided on a dollar-for-dollar match with an individual owner or operator and shall not exceed the amount actually spent by or on behalf of the owner or operator for odor control.

b. Notwithstanding section 8.33, moneys provided under this subsection for odor control applications of animal feeding operations shall not revert to the organic nutrient management fund but shall remain available for use as provided in this subsection during the fiscal year beginning July 1, 1997, and ending June 30, 1998. The moneys provided in this subsection which remain unexpended or unobligated on June 30, 1998, shall revert to the organic nutrient management fund on August 31, 1998.

2. To Iowa state university for supporting a person connected with the United States department of agriculture who engages in animal control, for purposes of contributing to the control of animals, and especially predators, which pose a threat to this state's agriculture:

..... \$ 50,000

3. To the soil conservation division of the department of agriculture and land stewardship for supporting soil and water conservation district development, including the training of soil and water conservation district staff:

..... \$ 42,000

4. To the interstate agricultural grain marketing commission for carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

..... \$ 80,000

5. a. To Iowa state university for supporting multiflora rose eradication research and projects:

..... \$ 25,000

b. Notwithstanding 1995 Iowa Acts, chapter 216, section 19, subsection 2, moneys allocated pursuant to 1995 Iowa Acts, chapter 216, section 19, subsection 1, paragraph "d", which remain unencumbered or unobligated on June 30, 1996, shall not revert pursuant to section 8.33, but shall remain available to Iowa state university for purposes of supporting multiflora rose eradication research and projects, for subsequent fiscal years.

6. To the soil conservation division of the department of agriculture and land stewardship to provide financial incentives for soil conservation practices under chapter 161A:

..... \$ 100,000

7. To Iowa state university, in cooperation with the farm section of the attorney general's office, in sponsoring an Iowa agriculture 2000 conference, with assistance provided by the department of agriculture and land stewardship and Iowa commodity organizations, for independent agricultural producers and other persons interested in the future of Iowa agriculture:

..... \$ 80,000

Moneys provided by this subsection shall be used to defray expenses incurred by Iowa state university and the farm section of the attorney general's office in planning and sponsoring the conference. Iowa state university shall prepare a report which accounts for moneys expended by the university in sponsoring the conference. The report shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources on or before January 15, 1997.

Sec. 12. NONREVERSION OF MONEYS ALLOCATED TO IOWA GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa Acts, chapter 216, section 19, subsection 2, moneys allocated pursuant to 1995 Iowa Acts, chapter 216, section 19, subsection 1, paragraph "f", subparagraph (1), which remain unencumbered or unobligated on June 30, 1996, shall not revert pursuant to section 8.33, but shall remain available to Iowa state university for purposes of supporting the Iowa cooperative extension service in agriculture and home economics in establishing and administering an Iowa grain quality initiative in subsequent fiscal years.

Sec. 13. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and the reversion and allocation provisions in section 455A.19, subsection 1, paragraph "c", of the unencumbered and unobligated moneys remaining, which are required to be deposited in the water protection fund created in section 161C.4, as provided in section 455A.19, subsection 1, paragraph "c", the following amount shall be transferred first from moneys required to be deposited in the water protection practices account, and if necessary from moneys required to be deposited in the water quality protection projects account, which shall be used for the following purposes:

To the Loess Hills development and conservation authority, for deposit in the Loess Hills development and conservation fund created in section 161D.2 for the purposes specified in section 161D.1:

..... \$ 400,000

Sec. 14. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD TRANSFER. There is

appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board, to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration expenses of the underground storage tank section of the department of natural resources:

..... \$ 75,000

Sec. 15. TRANSFER – AIR QUALITY. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, the department of natural resources shall transfer up to \$430,000 from the hazardous substance remedial fund created pursuant to section 455B.423, to support purposes related to carrying out the duties of the commission under section 455B.133, or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

MISCELLANEOUS

Sec. 16. STUDY OF LOCATING FIELD OFFICE IN NORTH CENTRAL DISTRICT. The department of natural resources shall conduct a study of the feasibility of locating a field office in the department's north central district. On or before January 1, 1997, the department of natural resources shall submit a report including findings and recommendations resulting from the study to the committees of the general assembly which have jurisdiction over natural resources.

Sec. 17. STATE NURSERIES. Notwithstanding section 17A.2, subsection 10, paragraph "g", the department of natural resources shall adopt administrative rules establishing a range of prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

1. The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

2. The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 18. TRANSFER OF MONEYS OR POSITIONS; CHANGES IN TABLES OF ORGANIZATION – NOTIFICATION. In addition to the requirements of section 8.39, in each fiscal quarter, the department of agriculture and land stewardship and the department of natural resources shall notify the chairpersons, vice chairpersons, and ranking members of the joint appropriations subcommittee on agriculture and natural resources for the previous fiscal quarter of any transfer of moneys or full-time equivalent positions made by either department which is not authorized in this Act, or any permanent position added to or deleted from either department's table of organization.

Sec. 19. AIR QUALITY PROGRAM – NONGENERAL FUND SUPPORT. The department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, shall not use moneys appropriated from the general fund of the state pursuant to this Act, to support any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Notwithstanding section 455B.133B, the department may use moneys deposited in the air contaminant source fund created in section 455B.133B during the

fiscal year beginning July 1, 1996, and ending June 30, 1997, for any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Sec. 20. NATIVE AMERICAN WAR MEMORIAL. The department of natural resources may purchase, with funds which become available under chapter 465A for the fiscal year beginning July 1, 1996, and ending June 30, 1997, lands on which to locate a native American war memorial.

Sec. 21. SOIL AND WATER CONSERVATION CONFERENCE.

1. The division of soil conservation of the department of agriculture and land stewardship shall sponsor a conference not later than September 1, 1996, regarding the protection of cropland soils in this state. The conference shall include discussions of the status of soil and water conservation as it relates to conservation compliance accomplishments, agricultural production policies, water quality protection, and the state's Iowa soil 2000 goal.

2. Conferees shall include representatives of the division of soil conservation, the state soil conservation committee, soil and water conservation districts, the natural resources conservation service of the United States department of agriculture, the cooperative extension service of Iowa state university, and the department of natural resources. The division of soil conservation shall invite other interested persons to serve as conferees, including members of Iowa's congressional delegation; the chairpersons and ranking members of the standing committees on agriculture, and on natural resources, environment, and energy of the senate; the chairpersons and ranking members of the standing committees on agriculture, on natural resources, and on environmental protection of the house of representatives; the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources; representatives of the United States environmental protection agency; and members of farm and commodity organizations.

3. The division of soil conservation shall report to the general assembly not later than January 15, 1997, regarding findings and recommendations of the conferees.

Sec. 22. LAND ACQUISITION - NATURAL RESOURCE COMMISSION. The natural resource commission, upon consultation with department of natural resources staff, shall develop and implement a land acquisition policy which shall be embodied in a strategic land acquisition plan administered by the department. The land acquisition policy and the land acquisition strategic plan shall provide for the acquisition of land in order to enhance the quality of existing state parks, state preserves, state forests, state wildlife areas, and state recreation areas. The commission shall consider all of the following factors and may consider additional factors:

1. The enhancement of the goals of an ecosystem or biodiversity management plan for a state park, state preserve, state forest, state wildlife area, or state recreation area.

2. The proximity or contiguity of the land to a state park, state preserve, state forest, state wildlife area, or state recreation area.

3. The quality of existing natural communities existing on the land.

4. The presence on the land of threatened or endangered species.

5. The potential for enhancing the natural quality or recreational potential of land owned or managed for conservation purposes by other public or nonprofit entities.

6. The risk of losing natural assets through the sale of the land to a competing interest.

7. The preservation or enhancement of unique irreplaceable archaeological, historical, or cultural features existing on land owned or managed for such purposes by other public or nonprofit entities.

Sec. 23. GIFT CERTIFICATES FOR SPECIAL PRIVILEGE FEES ON STATE PARKS AND RECREATION AREAS. The department of natural resources shall publish and make available for purchase by the general public gift certificates entitling the bearer of the certificate to free camping and other special privileges at state parks and recreation areas. The department shall establish prices for the certificates based on amounts required to be paid in fees for camping and special privileges pursuant to section 461A.47.

Sec. 24. APPROPRIATIONS CONDITIONAL UPON IMPLEMENTATION OF CERTAIN PROVISIONS. As a condition of the appropriations made to the department of agriculture and land stewardship in sections 1 through 4 of this Act, the following shall occur as provided in sections 26 and 27 of this Act by July 1, 1996:

1. The department shall complete all administrative functions necessary to transfer the powers and duties of the deputy secretary of agriculture to the interim assistant secretary of agriculture.

2. The office from which the position of deputy secretary of agriculture performed duties on January 1, 1996, shall be vacated until the position of interim assistant secretary of agriculture is filled.

Sec. 25. DEPUTY SECRETARY OF AGRICULTURE - POSITION ELIMINATED. Notwithstanding contrary provisions in sections 14A.1 and 159.14, the position of deputy secretary of agriculture is eliminated.

Sec. 26. ADMINISTRATIVE ASSISTANT VI POSITION. An additional position of administrative assistant VI is created within the department of agriculture and land stewardship. The duties of the position shall not include any matter relating to personnel, including the appointment of an interim assistant secretary of agriculture as provided in section 27 of this Act; or the administration of or budgeting for the department or its administrative units, including divisions within the department. The position shall not have jurisdiction over the heads of the department's administrative units, including division directors. Notwithstanding chapter 19A, the person appointed to fill the position shall serve at the pleasure of the secretary of agriculture. The secretary of agriculture shall prepare and submit a written report to the chairpersons and ranking members of the house and senate standing committees on appropriations and to the legislative fiscal bureau director not later than August 31, 1996, describing the duties and responsibilities of the position.

Sec. 27. INTERIM ASSISTANT SECRETARY OF AGRICULTURE. The position of interim assistant secretary of agriculture is created within the department of agriculture and land stewardship. The secretary of agriculture shall appoint a person to serve as the interim assistant secretary of agriculture, at any time after the effective date of this section of this Act. However, the person appointed as interim assistant secretary of agriculture shall not fill that position before January

15, 1997. Notwithstanding chapter 19A, the person appointed as interim assistant secretary of agriculture shall serve at the pleasure of the secretary of agriculture. The interim assistant secretary of agriculture shall have the same powers and duties performed by the position of the deputy secretary of agriculture, as that position existed on January 1, 1996. Until the appointment of the interim assistant secretary of agriculture is made, the interim assistant secretary of agriculture's duties shall be performed by the administrative division director of the department of agriculture and land stewardship who shall be acting interim assistant secretary of agriculture. Upon appointment, the interim assistant secretary of agriculture shall receive compensation at the same pay grade at which the position of deputy secretary of agriculture was compensated immediately prior to the effective date of this section of this Act. No position shall be housed in the office from which the position of deputy secretary of agriculture performed duties on January 1, 1996, until the appointment of the interim assistant secretary of agriculture, who shall be housed in that office.

CODIFIED CHANGES

Sec. 28. NEW SECTION. 2.55A DEPARTMENTAL INFORMATION REQUIRED.

1. The department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits authorized in law for the departments.

2. The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

3. The department of agriculture and land stewardship shall provide the legislative fiscal bureau information and financial data on at least a monthly basis, relating to the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget prior to the start of the fiscal year, and to the department's actual expenditures after the accounting system has been closed for that fiscal year.

Sec. 29. NEW SECTION. 8.60A TRUST FUND INFORMATION.

The department of revenue and finance in cooperation with each appropriate agency shall track receipts to the general fund of the state which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund, as provided in section 8.60.

The department of revenue and finance and each appropriate agency shall prepare reports detailing revenue from receipts previously deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each three-month period as designated by the legislative fiscal bureau.

Sec. 30. Section 166D.10, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to other applicable requirements of this section, feeder swine shall not be moved into this state from another state except to slaughter, unless the feeder swine are vaccinated by a differentiable vaccine within forty-five days of arrival in this state.

Sec. 31. Section 455A.18, subsection 3, unnumbered paragraph 1, Code 1995, is amended to read as follows:

For each fiscal year of the fiscal period beginning July 1, ~~1990~~ 1997, and ending June 30, ~~2001~~ 2021, there is appropriated from the general fund, to the Iowa resources enhancement and protection fund, the amount of ~~thirty~~ twenty million dollars, ~~except that for the fiscal year beginning July 1, 1990, the amount is twenty million dollars,~~ to be used as provided in this chapter. However, in any fiscal year of the fiscal period, if moneys from the lottery are appropriated by the state to the fund, the amount appropriated under this subsection shall be reduced by the amount appropriated from the lottery.

Sec. 32. **NEW SECTION.** 455A.21 PREFERENCE PROVIDED – PERSONS MEETING ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.

In its employment of persons in temporary positions in conservation and outdoor recreation, the department of natural resources shall give preference to persons meeting eligibility requirements for the green thumb program under section 15.227 and to persons working toward an advanced education in natural resources and conservation.

Sec. 33. **FUTURE REPEAL.** Sections 25 through 27 of this Act are repealed on December 31, 1998.

Sec. 34. **EFFECTIVE DATES.**

1. This subsection, section 11, subsection 5, paragraph “b”, and section 12 of this Act, being deemed of immediate importance, take effect upon enactment.

2. The amendment to section 455A.18 in this Act takes effect on July 1, 1997.”

ON THE PART OF THE HOUSE

JAMES HAHN, Chair
JACK DRAKE
SANDRA GREINER

ON THE PART OF THE SENATE

DENNIS H. BLACK, Chair
BRAD BANKS
DON E. GETTINGS

Speaker Corbett in the chair at 5:12 p.m.

Koenigs of Mitchell rose on a point of order and invoked Rule 39A, relating to consideration of conference committee reports.

The Speaker ruled the point well taken and Rule 39A in order.

Siegrist of Pottawattamie moved to suspend Rule 39A for the consideration of the conference committee report on Senate File 2446.

Roll call was requested by Murphy of Dubuque and Koenigs of Mitchell.

On the question "Shall Rule 39A be suspended?" (S.F. 2446)

The ayes were, 52:

Arnold	Blodgett	Boggess	Bradley
Brauns	Carroll	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Hammitt Barry	Hanson	Harrison	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 35:

Baker	Bell	Bernau	Burnett
Cataldo	Cohoon	Connors	Doderer
Fallon	Garman	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, 13:

Boddicker	Brammer	Brand	Branstad
Brunkhorst	Churchill	Drees	Ertl
Halvorson	Heaton	Houser	Larson
Salton			

The motion prevailed and the rule was suspended.

Doderer of Johnson rose on a point of order to amend the conference committee report on Senate File 2446.

The Speaker ruled the point out of order.

Hahn of Muscatine moved the adoption of the conference committee report on Senate File 2446.

Roll call was requested by Murphy of Dubuque and Van Maanen of Marion.

On the question "Shall the conference committee report be adopted?" (S.F. 2446)

The ayes were, 57:

Arnold	Baker	Blodgett	Bogges
Bradley	Brauns	Cataldo	Churchill
Coon	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Lord	Main
Martin	Metcalf	Meyer	Millage
Mundie	Nelson, B.	Nutt	Rants
Renken	Schulte	Siegrist	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 36:

Bell	Bernau	Branstad	Brunkhorst
Burnett	Cohoon	Connors	Cormack
Doderer	Fallon	Garman	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shultz	Sukup	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 7:

Boddicker	Brammer	Brand	Carroll
Drees	Larson	Salton	

The motion prevailed and the report was adopted.

Hahn of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2446)

The ayes were, 63:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brauns
Cataldo	Churchill	Coon	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Koenigs	Kremer
Lamberti	Lord	Main	Martin

Metcalf	Meyer	Millage	Mundie
Murphy	Nelson, B.	Nutt	Rants
Renken	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 30:

Branstad	Brunkhorst	Burnett	Cohoon
Connors	Cormack	Doderer	Fallon
Greig	Harper	Holveck	Jochum
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Taylor	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 7:

Boddicker	Brammer	Brand	Carroll
Drees	Larson	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2446** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 18, 1996. Had I been present, I would have voted "aye" on House File 2458 and Senate Files 284, 2154, 2195, 2366, and 2370.

LARSON of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this nineteenth day of April, 1996: House Files 230, 2201, 2432 and 2448.

Also: Presented to the Governor for his approval on this twenty-second day of April, 1996: House Files 2144 and 2370.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Reports adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 18, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2399, an act relating to eligibility of persons for county general assistance.

House File 2488, an act relating to special census certification and providing an effective date.

Senate File 2012, an act relating to the conduct of raffles.

Senate File 2071, an act creating an advisory commission on intergovernmental relations, specifying its membership and its powers and duties, providing for other properly related matters, and providing an effective date.

Senate File 2211, an act relating to fingerprinting requirements for certain public offenses.

Senate File 2305, an act relating to purchase money mortgages and providing a retroactive applicability provision.

Senate File 2344, an act relating to child support enforcement.

Senate File 2359, an act relating to the source of payment of the fee and expenses of a county medical examiner related to services provided for a person whose death affects the public interest.

Senate File 2368, an act providing for the regulation of investment securities under Article 8 of the Uniform Commercial Code, and providing conforming changes, and an effective date.

Senate File 2396, an act adding certain residential security deposits and pre-paid rent to the list of exempt property which a debtor may claim.

Senate File 2420, an act relating to juvenile justice, including the use of deadly force by criminal street gangs, dispositional alternatives for juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1996\507 Marcella and Robert Brooks, Council Bluffs – For celebrating their Fiftieth wedding anniversary.

1996\508 Krefth Elementary School, Council Bluffs – For receiving a FINE Foundation Recognition Award.

1996\509 Marge and Earl Maytum, Council Bluffs – For celebrating their Fiftieth wedding anniversary.

- 1996\510 Gerry and Randall Hough, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\511 Bedford Main Street, Bedford – For receiving a Special Recognition Award at the 1996 Main Street Recognition Program.
- 1996\512 Mark Norman, Bedford – For receiving a Main Street Volunteer Award at the 1996 Main Street Recognition Program.
- 1996\513 United National Bank, Bedford – For receiving a Main Street Volunteer Organization Award at the 1996 Main Street Recognition Program.
- 1996\514 Corning Rotary Club, Corning – For receiving a Main Street Volunteer Organization Award at the 1996 Main Street Recognition Program.
- 1996\515 Corning Main Street, Corning – For receiving various awards at the 1996 Main Street Recognition Program including the Spirit of Main Street Award.
- 1996\516 John McMahon, Corning – For receiving a Main Street Volunteer Award at the 1996 Main Street Recognition Program.
- 1996\517 Betty and Donald Wormley, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\518 Ryan Scott Toenjes, Monticello – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\519 Matthew Miller, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\520 Robert John Gallery, Masonville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\521 Ethel and Howard Swaney, Modale – For celebrating their Sixty-fifth wedding anniversary.
- 1996\522 Helene and Edwin McFerrin, Modale – For celebrating their Sixty-fifth wedding anniversary.

AMENDMENT FILED

H-6032

H.F.

2486

Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 6:40 p.m., until 10:00 a.m., Tuesday, April 23, 1996.

JOURNAL OF THE HOUSE

One Hundred-seventh Calendar Day – Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 23, 1996

The House met pursuant to adjournment at 10:00 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Robert J. Brown, Missionary Baptist Church, Carlisle.

The Journal of Monday, April 22, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teig of Hamilton, until his arrival, on request of Arnold of Lucas.

ADOPTION OF HOUSE RESOLUTION 109

Fallon of Polk called up for consideration House Resolution 109, a resolution relating to the adverse effects of excessive television viewing and supporting National TV - Turnoff Week, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Sukup of Franklin called up for consideration **House File 2486**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, amended by the Senate, and moved that the House concur in the following Senate amendment H-6032:

H-6032

- 1 Amend House File 2486, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 13, line 24, by striking the figure
- 4 "8,306,132" and inserting the following: "8,633,742".
- 5 2. Page 13, line 33, by striking the word "If"
- 6 and inserting the following: "Unless the governor
- 7 authorizes funding as provided in subsection 2, if".
- 8 3. Page 14, by striking lines 12 and 13 and
- 9 inserting the following:
- 10 "2. a. If the governor determines prior to
- 11 October 1, 1996, that federal funding available to the

12 state for a program referenced in this subsection for
13 the federal fiscal year beginning October 1, 1995, is
14 less than the amount available to the state for the
15 program in either of the two preceding federal fiscal
16 years, the governor, subject to the limitations of
17 this subsection, may authorize state funding to
18 replace the federal funding. The amount of funding
19 authorized by the governor for a program shall not
20 exceed the amount by which the federal funding for the
21 program in the federal fiscal year beginning October
22 1, 1995, is less than the federal funding for the
23 program in either of the two preceding federal fiscal
24 years.

25 b. The governor's authorization of funding for a
26 program is subject to a finding by the governor that
27 the reduction in federal funding will cause a hardship
28 for individuals otherwise eligible for assistance by
29 the program, or will adversely affect state or local
30 education, economic development, employment, crime
31 prevention and the criminal justice system, drug
32 control, or housing efforts.

33 c. The provisions of this subsection apply to any
34 program funded under sections 1 through 13 of this Act
35 and to any other program which is funded in whole or
36 in part with federal funds and is directed to children
37 or older Iowans, or to state or local education,
38 economic development, employment, crime prevention and
39 the criminal justice system, drug control, or housing
40 efforts.

41 d. There is appropriated from moneys transferred
42 to the general fund of the state pursuant to section
43 8.55, subsection 2, in the fiscal year beginning July
44 1, 1996, which are otherwise unobligated, an amount
45 sufficient to fund authorizations provided by the
46 governor under this subsection. The amount
47 appropriated in this subsection is subject to the
48 state general fund expenditure limit for the fiscal
49 year beginning July 1, 1996, created pursuant to
50 section 8.54. Additional funding appropriated

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1 pursuant to this subsection shall not be used for
2 interdepartmental transfers or for any expenditure
3 other than for expenditures as provided in the federal
4 law which established and implemented the guidelines
5 for the block grant for which the funds were
6 appropriated.

7 3. Before the governor implements an action
8 provided for in subsection 1 or 2, the following
9 procedures apply:"

10 4. Page 14, line 14, by inserting after the word

11 "The" the following: "members of the legislative
12 council, the".

13 5. Page 14, line 20, by inserting after the word
14 "allocations" the following: "or authorization".

15 6. Page 14, line 22, by inserting after the word
16 "to" the following: "or authorized for".

17 7. Page 14, by striking lines 24 and 25 and
18 inserting the following: "deemed useful. Members of
19 the general assembly who are required to be notified
20 shall be allowed at least thirty days to review and
21 comment on the proposed action".

22 8. Page 14, by inserting after line 26 the
23 following:

24 "4. After the governor implements an action
25 provided for in subsection 1 or 2, and provides notice
26 as required under subsection 3, the governor shall
27 notify the legislative fiscal committee and the
28 legislative fiscal bureau of the amount of additional
29 funding that was allocated to each program.

30 5. It is the intent of the general assembly that
31 if funds received from the federal government are less
32 than the anticipated or appropriated amounts, the
33 governor shall replace all or a portion of the funds
34 for the following programs and block grants:

35 1. The helping disadvantaged children meet high
36 standards program.

37 2. The resource conservation and development
38 program.

39 3. The substance abuse prevention and treatment
40 block grant.

41 4. The community mental health services block
42 grant.

43 5. The maternal and child health services block
44 grant.

45 6. The preventive health and health services block
46 grant.

47 7. The drug control and system improvement block
48 grant.

49 8. The stop violence against women block grant.

50 9. The community services block grant.

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1 10. The community development block grant.

2 11. The low-income home energy assistance block
3 grant."

4 9. Page 24, line 22, by inserting after the word
5 "database." the following: "It is the intent of the
6 general assembly that the governor will utilize the
7 governor's authority under section 14, subsection 2,
8 of this Act, to the extent possible, as a means of
9 ensuring that funding for the program is made
10 sufficient and to preclude utilizing the procedures

11 provided in this section.”

12 10. Page 24, by inserting after line 22 the
13 following:

14 “Sec. ____ CULTURAL AFFAIRS – FEDERAL ACTIONS.

15 The department of management shall conduct a review of
16 federal actions concerning the level of funding and
17 policies relating to the arts and to cultural affairs
18 and the anticipated effects of the federal actions
19 upon the department of cultural affairs and the
20 department of cultural affairs’ programs. Based upon
21 the anticipated effects, the department of management
22 shall examine the functions and programs of the
23 department of cultural affairs and make
24 recommendations to the governor and the general
25 assembly as to options for restructuring the
26 department of cultural affairs’ programs. The
27 recommendations shall be submitted to the governor and
28 the general assembly prior to the convening of the
29 Seventy-seventh General Assembly.”

30 11. Page 24, by inserting after line 22 the
31 following:

32 “Sec. ____ WELFARE REFORM BLOCK GRANT.

33 1. Notwithstanding contrary provisions of section
34 8.41, as enacted in 1996 Iowa Acts, House File 2256,
35 the provisions of this section shall apply if all of
36 the following conditions are met:

37 a. The provisions of this section shall apply only
38 to programs, funding, and policies of the family
39 investment program and the job opportunities and basic
40 skills (JOBS) program.

41 b. Federal law creating a welfare reform block
42 grant is enacted which provides for optional early
43 implementation dates which precede the convening of
44 the Seventy-seventh General Assembly.

45 c. The department of human services determines
46 early implementation of the federal block grant
47 provisions is advantageous to Iowa. All of the
48 following requirements shall apply in order for the
49 department to make such a determination:

50 (1) Early implementation will result in additional

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1 federal funding for the family investment program or
2 the JOBS program.

3 (2) The early implementation of the block grant
4 provisions will not disadvantage any applicant or
5 recipient of assistance under the family investment
6 program by resulting in reduced benefits, terminated
7 eligibility, or denied eligibility to the extent those
8 conditions would not have resulted under Iowa’s
9 welfare reform provisions in effect prior to the early
10 implementation of the federal block grant provisions.

11 The department may satisfy this requirement by using
12 one hundred percent state funds to offset any
13 disadvantage to an applicant or recipient for services
14 eligible for federal financial participation prior to
15 the early implementation of the federal block grant
16 provisions if the increase in state funds used does
17 not exceed any additional federal funding received
18 under the block grant.

19 (3) The department can reasonably make computer
20 system and procedural changes necessary to implement
21 the provisions within any federally mandated time
22 frames as necessary to qualify for early
23 implementation of the federal block grant provisions.

24 (4) The state will not incur any excessive
25 financial risks with early implementation of the
26 federal block grant provisions.

27 2. If the federal legislation described is
28 enacted, the department shall seek input from the
29 individuals of the work group which considered the
30 state human investment policy or a successor
31 interagency task force which makes recommendations to
32 the department concerning the family investment
33 program.

34 3. If all of the conditions of subsections 1 and 2
35 are met, the department may take steps to notify the
36 United States department of health and human services,
37 or some other such entity as designated in the federal
38 legislation, that the state of Iowa is opting for
39 early implementation of the federal welfare reform
40 block grant provisions. If the department takes steps
41 to elect early implementation of the federal block
42 grant provisions, the department shall notify the
43 fiscal committee of the legislative council, the
44 legislative fiscal bureau, the chairpersons and
45 ranking members of the senate and house committees on
46 human resources, and the chairpersons and ranking
47 members of the senate and house appropriations
48 subcommittee on human services of all of the
49 following:

50 a. The findings that the conditions in subsection

Page 5

1 1 are met.

2 b. The notice to the federal government of
3 electing early implementation of the block grant
4 provisions.

5 c. Fiscal impacts of electing early implementation
6 of the block grant provisions.

7 4. If allowed by federal law, the department may
8 discontinue the provisions for control groups as
9 required by the federal government and apply welfare
10 reform policies to all applicants and recipients of

- 11 assistance in the family investment program equally.
 12 The department shall make notifications similar to
 13 those required in subsection 3 of any decision to
 14 continue or discontinue control groups.”
 15 12. By renumbering, relettering, or redesignating
 16 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-6032.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2486** be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 113

Hahn of Muscatine called up for consideration of Senate Concurrent Resolution 113, a concurrent resolution declaring Miss Iowa an official hostess for the State of Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 107

Vande Hoef of Osceola called up for consideration of Senate Concurrent Resolution 107, a concurrent resolution urging the United States Congress to authorize construction of the Lewis and Clark rural water system, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:40 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:07 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2357, a bill for an act relating to school finance providing for an increase in the amount certified for levy in excess of that previously authorized for bonded indebtedness repayment, with report of committee recommending passage, was taken up for consideration.

Main of Jefferson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2357)

The ayes were, 85:

Arnold	Baker	Bernau	Blodgett
Bogges	Bradley	Brand	Branstad
Brauns	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Fallon	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, 11:

Bell	Boddicker	Brunkhorst	Ertl
Garman	Holveck	Kreiman	McCoy
Moreland	Tyrrell	Weigel	

Absent or not voting, 4:

Brammer	Larson	Mertz	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2357** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 2:38 p.m., until 5:00 p.m.

EARLY EVENING SESSION

The House reconvened at 5:25 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mundie of Webster, on request of Schrader of Marion; Garman of Story, on request of Seigrist of Pottawattamie; Fallon of Polk, on request of O'Brien of Boone, all for the remainder of the day.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2234, a bill for an act relating to exempting certain nonresident aliens from land ownership restrictions.

Also: That the Senate has on April 23, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 284, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing criminal penalties and providing civil penalties for employers hiring individuals with forged documents regarding the individuals' entry into, study, or employment in the United States.

Also: That the Senate has on April 23, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2245, a bill for an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 23, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2351, a bill for an act relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, establishing a rural microbusiness assistance program, increasing the funds available for the value-added agricultural products and processes program, making an annual allocation from an appropriation, and establishing an effective date.

Also: That the Senate has on April 23, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2399, a bill for an act relating to child protection system provisions involving the child abuse assessment pilot projects administered by the department of human services and certain multidisciplinary teams, and providing an effective date.

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Concurrent Resolutions 107 and 113.**

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration **Senate File 2399**, a bill for an act relating to child protection system provisions involving the child abuse assessment pilot projects administered by the department of human services and certain multidisciplinary teams, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6039 to the House amendment:

H-6039

- 1 Amend the House amendment, S-5702, to Senate File
- 2 2399, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 16, by striking the letter "e"
- 5 and inserting the following: "c".
- 6 2. Page 1, by striking lines 31 through 39.
- 7 3. Page 1, line 44, by striking the word
- 8 "subparagraphs" and inserting the following:
- 9 "subparagraph".
- 10 4. Page 1, by striking lines 45 through 48.
- 11 5. Page 1, line 49, by striking the figure "(16)"
- 12 and inserting the following: "(15)".
- 13 6. By striking page 2, line 5, through page 7,
- 14 line 32.

The motion prevailed and the House concurred in the Senate amendment H-6039, to the House amendment.

Boddicker of Cedar moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2399)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Brammer	Fallon	Garman	Larson
Millage	Mundie	Nutt	Salton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2399** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2500, a bill for an act providing for the modification or termination of certain testamentary trusts by the court, was taken up for consideration.

Lamberti of Polk asked and received unanimous consent to withdraw amendment H-6037 filed by him from the floor.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-6038 filed by him from the floor.

Disney of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2500)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Fallon	Garman	Larson
Millage	Mundie	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Martin of Scott called up for consideration **Senate File 2245**, a bill for an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6040 to the House amendment:

H-6040

1 Amend the House amendment, S-5828, to Senate File
2 2245, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 17, line 15, by inserting after the words
5 "paragraph "a"," the following: "or receiving a
6 retirement allowance for service as a sheriff, deputy
7 sheriff, or airport fire fighter under subsection 16,
8 paragraph "b", subparagraph (3),".

9 2. Page 20, by inserting after line 18 the
10 following:

11 "Sec. ____ Section 97B.49, subsection 16,
12 paragraph b, Code Supplement 1995, is amended by
13 adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (3) A member who retires from
15 employment as a county sheriff, deputy sheriff, or
16 airport fire fighter, who retires on or after July 1,
17 1997, and at the time of retirement has completed a
18 total of twenty-five years of membership service with
19 the last twelve years of membership service as a
20 county sheriff, deputy sheriff, or airport fire
21 fighter, may elect to receive in lieu of the receipt
22 of any benefits under subsection 5 or 15, or
23 subparagraphs (1) and (2) of this paragraph, a monthly
24 retirement allowance equal to one-twelfth of the
25 applicable percentage multiplier of the member's
26 three-year average covered wage as is provided in
27 paragraph "a", with benefits payable during the
28 member's lifetime.

29 Sec. ____ Section 97B.49, subsection 16, paragraph
30 d, subparagraph (9), Code Supplement 1995, is amended
31 to read as follows:

32 (9) An employee of a judicial district department
33 of correctional services who is employed as a
34 probation officer II or III, ~~or~~ a parole officer II or
35 III, or a residential counselor."

36 3. Page 23, by inserting after line 9 the
37 following:

38 "Sec. ____ NEW SECTION. 97B.50A DISABILITY
39 BENEFITS FOR AIRPORT FIRE FIGHTERS.

40 1. DEFINITIONS. For purposes of this section,
41 unless the context otherwise provides, "member" means
42 a vested member who is classified as an airport fire
43 fighter under section 97B.49, subsection 16, at the
44 time of the alleged disability.

45 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.

46 a. Effective July 1, 1997, a member who is injured
47 in the performance of the member's duties, and
48 otherwise meets the requirements of this subsection
49 shall receive an accidental disability retirement
50 allowance under the provisions of this subsection, in

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1 lieu of a monthly retirement allowance as provided in
2 section 97B.49 or benefits calculated as provided in
3 section 97B.50, subsection 2.

4 b. Upon application of a member, a member who has
5 become totally and permanently incapacitated for duty
6 as the natural and proximate result of an injury,
7 disease, or exposure occurring or aggravated while in
8 the actual performance of duty shall be retired by the
9 department, provided that the medical board shall
10 certify that the member is mentally or physically
11 incapacitated for further performance of duty, that
12 the incapacity is likely to be permanent, and that the
13 member should be retired. The department shall make
14 the final determination, based on the medical evidence
15 received, of a member's total and permanent
16 disability. However, if a person's membership in the
17 system first commenced on or after July 1, 1997, the
18 member shall not be eligible for benefits with respect
19 to a disability which would not exist, but for a
20 medical condition that was known to exist on the date
21 that membership commenced.

22 c. Disease under this subsection shall mean heart
23 disease or any disease of the lungs or respiratory
24 tract and shall be presumed to have been contracted
25 while on active duty as a result of strain, exposure,
26 or the inhalation of noxious fumes, poison, or gases.
27 However, if a person's membership in the system first
28 commenced on or after July 1, 1997, and the heart
29 disease or disease of the lungs or respiratory tract
30 would not exist, but for a medical condition that was
31 known to exist on the date that membership commenced,
32 the presumption established in this paragraph shall
33 not apply.

34 d. Upon retirement for an accidental disability as
35 provided by this subsection, a member shall receive
36 the greater of a monthly accidental disability
37 retirement allowance calculated under this subsection
38 or a disability retirement allowance calculated under
39 section 97B.50, subsection 2. The monthly accidental
40 disability allowance calculated under this subsection
41 shall consist of an allowance equal to one-twelfth of
42 sixty percent of the member's three-year average
43 covered wage at the time of disability.

44 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

45 a. Effective July 1, 1997, a member who otherwise
46 meets the requirements of this subsection shall
47 receive an ordinary disability retirement allowance
48 under the provisions of this subsection, in lieu of a
49 monthly retirement allowance as provided in section
50 97B.49 or benefits calculated as provided in section

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1 97B.50, subsection 2.

2 b. Upon application of a member, a member who has
3 become totally and permanently incapacitated for duty
4 shall be retired by the department, provided that the
5 medical board shall certify that the member is
6 mentally or physically incapacitated for further
7 performance of duty, that the incapacity is likely to
8 be permanent, and that the member should be retired.
9 The department shall make the final determination,
10 based on the medical evidence received, of a member's
11 total and permanent disability. However, if a
12 person's membership in the system first commenced on
13 or after July 1, 1997, the member shall not be
14 eligible for benefits with respect to a disability
15 which would not exist, but for a medical condition
16 that was known to exist on the date that membership
17 commenced.

18 c. Upon retirement for an ordinary disability as
19 provided by this subsection, a member shall receive
20 the greater of a monthly ordinary disability
21 retirement allowance calculated under this subsection
22 or a disability retirement allowance calculated under
23 section 97B.50; subsection 2. The monthly ordinary
24 disability allowance calculated under this subsection
25 shall consist of an allowance equal to one-twelfth of
26 fifty percent of the member's three-year average
27 covered wage at the time of disability.

28 4. OFFSET TO ALLOWANCE. Any amounts which may be
29 paid or payable by the employer under the provisions
30 of any workers' compensation or other law to a member,
31 or to the dependents of a member on account of any
32 disability, shall be offset against and payable in
33 lieu of any retirement allowance payable pursuant to
34 this section on account of the same disability.

35 5. REEXAMINATION - REEMPLOYMENT OF MEMBERS
36 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.

37 a. Once each year during the first five years
38 following the retirement of a member under this
39 section, and once in every three-year period
40 thereafter, the department may, and upon the member's
41 application shall, require any member receiving an
42 accidental or ordinary disability retirement allowance
43 who has not yet attained the age of fifty-five years
44 to undergo a medical examination as arranged by the
45 medical board. The examination shall be made by the
46 medical board or by an additional physician or
47 physicians designated by the board. If any member
48 receiving an accidental or ordinary disability
49 retirement allowance who has not attained the age of
50 fifty-five years refuses to submit to the medical

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1 examination, the allowance may be discontinued until
2 the member's withdrawal of the refusal, and should the
3 member's refusal continue for one year, all rights in
4 and to the member's disability retirement allowance
5 shall be revoked by the department.

6 b. If a member receiving a disability retirement
7 allowance is returned to covered employment, the
8 member's disability retirement allowance shall cease,
9 the member shall again become an active member, and
10 shall contribute thereafter at the same rate payable
11 by similarly classified members. Upon subsequent
12 retirement, the member's retirement allowance shall be
13 calculated as provided in section 97B.48A.

14 6. DEATH BENEFITS. A member who is receiving an
15 accidental or ordinary disability retirement allowance
16 under this section shall be treated as having elected
17 a lifetime monthly retirement allowance with no death
18 benefit unless the member elects an optional form of
19 benefit provided under section 97B.51, which shall be
20 actuarially equivalent to the lifetime monthly
21 retirement allowance provided under this section.

22 7. MEDICAL BOARD. The system shall designate a
23 medical board to be composed of three physicians who
24 shall arrange for and pass upon the medical
25 examinations required under the provisions of this
26 section and shall report in writing to the department
27 the conclusions and recommendations upon all matters
28 duly referred to the medical board. Each report of a
29 medical examination under this section shall include
30 the medical board's findings as to the extent of the
31 member's physical impairment.

32 8. RULES. The department shall adopt rules
33 pursuant to chapter 17A specifying the application
34 procedure for members pursuant to this section."

35 4. Page 38, line 2, by striking the word
36 "PROPOSALS" and inserting the following: "PROPOSAL".

37 5. Page 38, lines 3 and 4, by striking the words
38 "AND FOR CONVERTING THE SYSTEM INTO A DEFINED
39 CONTRIBUTION PLAN".

40 6. Page 38, by striking lines 11 through 16 and
41 inserting the following: "addition to the current
42 defined benefit plan. On or before September 1,".

43 7. Page 38, line 20, by striking the word
44 "proposals" and inserting the following: "a proposal,
45 or proposals,".

46 8. Page 38, lines 21 through 23, by striking the
47 words "and for converting the Iowa public employees'
48 retirement system into a defined contribution plan".

49 9. By renumbering as necessary.

Roll call was requested by Wise of Lee and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall the Senate amendment H-6040, be adopted?"
(S.F. 2245)

The ayes were, 41:

Arnold	Baker	Bell	Bernau
Brand	Brauns	Burnett	Carroll
Cataldo	Cohoon	Connors	Coon
Doderer	Drake	Drees	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Main	Mascher	May
McCoy	Mertz	Moreland	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weidman	Weigel	Wise
Witt			

The nays were, 53:

Blodgett	Boddicker	Boguess	Bradley
Branstad	Brunkhorst	Churchill	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Welter
Van Maanen, Presiding			

Absent or not voting, 6:

Brammer	Fallon	Garman	Larson
Mundie	Salton		

The motion lost and the House refused to concur in the Senate amendment H-6040, to the House amendment.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2245** be immediately messaged to the Senate.

Hammitt Barry of Harrison called up for consideration **House File 2234**, a bill for an act relating to exempting certain nonresident aliens from land ownership restrictions, amended by the Senate amendment H-6041 as follows:

H-6041

1 Amend House File 2234, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 7 through 31 and
4 inserting the following:

5 "Sec. ____ NEW SECTION. 15.331B EXEMPTION FROM
6 LAND OWNERSHIP RESTRICTIONS FOR NONRESIDENT ALIENS.

7 1. The eligible business, to the extent the
8 eligible business is not actively engaged in farming
9 within the economic development area, may acquire and
10 own up to one thousand acres of land in the economic
11 development area, notwithstanding the provisions of
12 section 567.3 if the eligible business has been
13 designated an exempt business under subsection 3. An
14 eligible business may lease up to an additional two
15 hundred eighty acres of land in the economic
16 development area.

17 The eligible business may receive one or more one-
18 year extensions of the time limit for complying with
19 the requirements of section 567.4. Each extension
20 must be approved by the community prior to approval by
21 the department. The eligible business shall comply
22 with the remaining provisions of chapter 567 to the
23 extent they do not conflict with this subsection.

24 2. "Actively engaged in farming" means any of the
25 following:

26 a. Inspecting agricultural production activities
27 within the economic development area periodically and
28 furnishing at least half of the value of the tools and
29 paying at least half the direct cost of production.

30 b. Regularly and frequently making or taking an
31 important part in making management decisions
32 substantially contributing to or affecting the success
33 of the farm operations within the economic development
34 area.

35 c. Performing physical work which significantly
36 contributes to crop or livestock production.

37 3. An eligible business shall not receive the
38 exemption under this section unless it has applied to
39 be designated an exempt business by July 1, 1998.

40 4. The department of economic development shall
41 monitor the activities of eligible businesses
42 receiving the exemption under this section and report
43 to the general assembly by December 15 of each year."

44 5. An eligible business that complies with this
45 section shall be considered to be acquiring, owning,
46 or leasing agricultural land for immediate or
47 potential use in nonfarming purposes under section
48 9H.4, subsection 4."

49 2. By renumbering as necessary.

The House stood at ease at 6:30 p.m., until the fall of the gavel.

The House resumed session at 6:42 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Siegrist of Pottawattamie asked and received unanimous consent to defer on House File 2234.

(Senate amendment H-6041 pending.)

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2500** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on Monday, April 22, 1996. Had I been present, I would have voted "aye" on Senate File 2446.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on Monday, April 22, 1996. Had I been present, I would have voted "aye" on House Files 2480, 2491 and 2495, and Senate Files 2245 and 2446.

LARSON of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this twenty-third day of April, 1996: House Files 2453 and 2498.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty fourth grade students from East Elementary, Ankeny, accompanied by Julie Schneider. By Lamberti of Polk.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES

The Annual Report, pursuant to Chapter 7E.5, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\523 Andrew Vogel, Orange City – For celebrating his One-hundredth birthday.
- 1996\524 Marguerite and Ray Stockstad, Dunlap – For celebrating their Fiftieth wedding anniversary.
- 1996\525 Norma and Robert Michaelson, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\526 Anna Schreier, Manson – For celebrating her Ninety-seventh birthday.
- 1996\527 Norman Harpole, Newton – For celebrating his One-hundredth birthday.
- 1996\528 Agnes and Carl Bunse, Newton – For celebrating their Fiftieth wedding anniversary.

AMENDMENT FILED

H-6036 S.F. 2365 Taylor of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 6:55 p.m., until 10:00 a.m., Wednesday, April 24, 1996.

JOURNAL OF THE HOUSE

One hundred eighth Calendar Day – Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 24, 1996

The House met pursuant to adjournment at 10:00 a.m., Speaker Corbett in the chair.

Prayer was sung by Reverend Robert Connors, Union Park Christian Church, Des Moines.

The Journal of Tuesday, April 23, 1996 was approved.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Corbett invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-sixth General Assembly were presented to the following Pages by Speaker Corbett, Majority Leader Siegrist of Pottawattamie and Minority Leader Schrader of Marion.

Molly Allen
Julie Bartles
Jennifer Clark
Ann Marie Dettmann
Amanda Ford
Christen Grimsley
Jill Hawkins
Serena Holthe
Meredith Jennings
Chad Johnson
Casey Jones

Dawn Letcher
Matt Larson
Jennifer O'Donohoe
Lanita Quastad
Megan Roberts
Amber Rumley
Jennifer Swickerath
Brooke Stephens
Andrea Swarthout
Jana Tibben
Noah Wendt

The House rose and expressed its appreciation.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 428, a bill for an act relating to the expenditure of moneys deposited in an E911 service fund.

Also: That the Senate has on April 23, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 476, a bill for an act eliminating the appeal period for the awarding of contracts by the purchasing division of the department of general services.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2153, a bill for an act relating to the reinstatement to active service of members of the statewide fire and police retirement system and the public safety peace officers' retirement, accident, and disability system upon denial of disability benefits.

Also: That the Senate has on April 23, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2387, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

Also: That the Senate has on April 23, 1996, insisted on its amendment to House File 2486, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and the members of the Conference Committee on the part of the Senate are: The Senator from Dubuque, Senator Flynn, Chair; the Senator from Johnson, Senator Neuhauser; the Senator from Scott, Senator Deluhery; the Senator from Plymouth, Senator Banks; the Senator from Mahaska, Senator Hedge.

Also: That the Senate has on April 24, 1996, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2245, a bill for an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 23, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2366, a bill for an act relating to lease-purchase agreements.

Also: That the Senate has on April 23, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2409, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards.

Also: That the Senate has on April 23, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 123, a concurrent resolution congratulating Coach Dan Gable and the University of Iowa Hawkeye Wrestling Team for winning the National Collegiate Athletic Association's 1996 team championship.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(House File 2486)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate

concerning House File 2486: Sukup of Franklin, Chair; Metcalf of Polk, Brunkhorst of Bremer, Kreiman of Davis and Murphy of Dubuque.

SENATE AMENDMENT CONSIDERED

Nelson of Marshall called up for consideration **Senate File 2409**, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6044 to the House amendment:

H-6044

- 1 Amend the House amendment, S-5677, to Senate File
- 2 2409, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 5 and
- 5 inserting the following:
- 6 "_. Page 1, line 15, by inserting after the
- 7 word and figure "chapter 260F," the following: "and".
- 8 _ Page 1, line 16, by striking the words and
- 9 figure "15.341, and the loan" and inserting the
- 10 following: "15.341.""
- 11 2. Page 1, by striking lines 9 through 22.
- 12 3. Page 1, by striking lines 25 through 29 and
- 13 inserting the following:
- 14 "_. Page 7, by striking lines 20 through 24 and
- 15 inserting the following: "political party. Of the
- 16 nine voting members, one member shall represent a non-
- 17 profit organization involved in workforce development
- 18 services, four members shall represent employers, and
- 19 four members shall represent nonsupervisory employees.
- 20 Of the members appointed by the governor to represent
- 21 nonsupervisory employees, two members shall be from
- 22 statewide labor organizations, one member shall be an
- 23 employee representative of a labor management council,
- 24 and one member shall be a person with experience in
- 25 worker training programs. The governor shall consider
- 26 recommendations from statewide labor organizations for
- 27 the members representing nonsupervisory employees.
- 28 The governor shall appoint the nine voting".
- 29 4. Page 2, by inserting after line 6 the
- 30 following:

31 “_. Page 11, by striking line 12 and inserting
 32 the following: “The department of economic
 33 development, the department of education, and training
 34 providers shall report information concerning the use
 35 of any state or federal training or retraining funds
 36 to the department of workforce development in a form
 37 as required by the department. The accountability
 38 system”.”

39 5. By striking page 2, line 32, through page 3,
 40 line 16, and inserting the following:

41 “_. Page 16, line 17, by inserting after the
 42 word “development.” the following: “However, if the
 43 state workforce development board determines that an
 44 area of the state would be adversely affected by the
 45 designation of the service delivery areas by the
 46 department, the department may, after consultation
 47 with the applicable regional advisory boards and with
 48 the approval of the state workforce development board,
 49 make accommodations in determining the service
 50 delivery areas, including, but not limited to, the

Page 2

1 creation of a new service delivery area. In no event
 2 shall the department create more than sixteen service
 3 delivery areas.”

4 6. Page 3, by inserting before line 17 the
 5 following:

6 “_. Page 19, line 5, by inserting after the
 7 word “service.” the following:

8 “The department of workforce development shall
 9 consult with all noncontract covered employees, or in
 10 the case of contract covered employees, the exclusive
 11 bargaining representative for those employees,
 12 concerning job classification plans or other job-
 13 related matters pertaining to the department.””

14 7. By renumbering, relettering, or redesignating
 15 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
 ment H-6044, to the House amendment.

Nelson of Marshall moved that the bill, as amended by the House,
 further amended by the Senate and concurred in by the House, be read
 a last time now and placed upon its passage which motion prevailed
 and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2409)

The ayes were, 96:

Arnold
 Boddicker
 Branstad

Bell
 Boggess
 Brauns

Bernau
 Bradley
 Brunkhorst

Blodgett
 Brand
 Burnett

Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Baker Brammer Larson Salton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2234**, a bill for an act relating to exempting certain nonresident aliens from land ownership restrictions, previously deferred and the Senate amendment H-6041, found on page 1879 of the House Journal, pending.

Weigel of Chickasaw offered the following amendment H-6045, to the Senate amendment H-6041, filed by him from the floor and moved its adoption:

H-6045

- 1 Amend the Senate amendment, H-6041, to House File
- 2 2234, as passed by the House, as follows:
- 3 1. Page 1, line 39, by striking the figure "1998"
- 4 and inserting the following: "1997".

Amendment H-6045 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-6046, to the Senate amendment H-6041, filed by him from the floor.

Rants of Woodbury in the chair at 11:28 a.m.

On motion by Hammitt Barry of Harrison, the House concurred in the Senate amendment H-6041.

Hammitt Barry of Harrison moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2234)

The ayes were, 85:

Bell	Blodgett	Boddicker	Bogges
Bradley	Brand	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	House	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
McCoy	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Renken	Schrader	Schulte
Shoultz	Siegrist	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Rants, Presiding			

The nays were, 11:

Arnold	Bernau	Burnett	Drees
Fallon	Garman	Kreiman	May
Mertz	Myers	Sukup	

Absent or not voting, 4:

Baker	Brammer	Larson	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2234 and Senate File 2409.**

On motion by Siegrist of Pottawattamie, the House was recessed at 11:40 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:00 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-six members present, fourteen absent.

Speaker pro tempore Van Maanen of Marion in the chair at 2:28 p.m.

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 4:40 p.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk, for the remainder of the day, on request of Schrader of Marion.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **House File 2387**, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date, amended by the Senate amendment H-6042 as follows:

H-6042

- 1 Amend House File 2387 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking page 7, line 34, through page 8,

4 line 6.

5 2. Page 22, by striking lines 24 through 31.

6 3. Page 27, by inserting after line 25 the

7 following:

8 "Sec. ____ Section 49.104, Code 1995, is amended

9 by adding the following new subsection:

10 NEW SUBSECTION. 7. Any person authorized by the
11 commissioner, in consultation with the secretary of
12 state, for the purposes of conducting and attending
13 educational voting programs for youth."

14 4. Page 32, by striking lines 15 through 32 and
15 inserting the following:

16 "Sec. ____ Section 53.11, unnumbered paragraph 2,
17 Code 1995, is amended to read as follows:

18 Satellite absentee voting stations shall be
19 established throughout the cities and county at the
20 direction of the commissioner or upon receipt of a
21 petition signed by not less than one hundred eligible
22 electors requesting that a satellite absentee voting
23 station be established at a location to be described
24 on the petition. If the petition does not describe a
25 location, the commissioner shall locate the station in
26 an area chosen by the commissioner, which area shall
27 be accessible to the general public, heavily travelled
28 by pedestrians, and not already utilized for the
29 purpose of casting absentee ballots. A petition
30 requesting a satellite absentee voting station must be
31 filed no later than five p.m. on the eleventh
32 fifteenth day before the election. A satellite
33 absentee voting station established by petition must
34 be open ~~at least one day from eight a.m. until five~~
35 ~~p.m. at times chosen by the commissioner, which times~~
36 shall be those determined by the commissioner to be
37 most conducive to collecting a large number of
38 absentee ballots. A satellite absentee voting station
39 established at the direction of the commissioner or by
40 petition may remain open until ~~five~~ seven p.m. on the
41 day before the election.

42 Sec. ____ Section 53.13, Code 1995, is amended to
43 read as follows:

44 53.13 VOTER'S AFFIDAVIT ON ENVELOPE.

45 On the unsealed envelope shall be printed an
46 affidavit form prescribed by the state commissioner of
47 elections and a notice, in large type and bold print,
48 informing the voter that the ballot is not valid
49 unless the affidavit is signed by the voter.

50 Sec. ____ Section 53.17, subsection 1, Code 1995,

Page 2

1 is amended to read as follows:

2 1. The sealed carrier envelope may be delivered by
3 the registered voter or the voter's designee to the

4 commissioner's office no later than the time the polls
5 are closed on election day. The commissioner shall
6 provide a secure location or secure method for receipt
7 of completed absentee ballots on a twenty-four-hour-a-
8 day basis. A ballot received in this manner is
9 considered to have been delivered to the
10 commissioner's office."

11 5. Page 33, by inserting after line 11 the
12 following:

13 "Sec. ____ Section 53.38, Code 1995, is amended to
14 read as follows:

15 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

16 Whenever a ballot is requested pursuant to section
17 53.39 or 53.45 on behalf of a voter in the armed
18 forces of the United States, the affidavit upon the
19 ballot envelope of such voter or a completed federal
20 postcard registration and absentee ballot request, if
21 the voter is found to be an eligible elector of the
22 county to which the ballot is submitted, shall
23 constitute a sufficient registration under the
24 provisions of chapter 48A and the commissioner shall
25 place the voter's name on the registration record as a
26 registered voter, if it does not already appear
27 there."

28 6. Page 33, by inserting after line 11 the
29 following:

30 "Sec. ____ Section 53.44, unnumbered paragraph 1,
31 Code 1995, is amended to read as follows:

32 The affidavit on the envelope used in connection
33 with voting by absentee ballot under this division by
34 members of the armed forces of the United States need
35 not be notarized or witnessed, but the affidavit on
36 the ballot envelope shall be completed and signed by
37 the voter. The envelope shall also contain a notice,
38 in large type and bold print, informing the voter that
39 the ballot is not valid unless the affidavit is signed
40 by the voter."

41 7. Page 33, by inserting after line 27 the
42 following:

43 "Sec. ____ Section 56.6, subsection 1, paragraphs
44 c and d, Code Supplement 1995, are amended to read as
45 follows:

46 c. A candidate's committee for a candidate for the
47 general assembly at a special election for which the
48 governor is required to give not less than forty days'
49 notice under section 69.14 shall file a report by the
50 fourteenth day prior to the special election which is

Page 3

1 current through the nineteenth day prior to the
2 special election. A candidate's committee for a
3 candidate for the general assembly at a special

4 election for which the governor is required to give
5 not less than eighteen days' notice under section
6 69.14 shall file a report five days prior to the
7 election, that shall be current as of five days prior
8 to the filing deadline. Any report filed pursuant to
9 this paragraph shall be timely filed, or mailed
10 bearing a United States postal service postmark dated
11 on or before the due date.

12 d. Committees The following committees shall file
13 their first reports five days prior to any election in
14 which the ballot contains the name of the candidate or
15 the local ballot issue which the committee supports or
16 opposes:

17 (1) A candidate's committee for municipal and
18 school elective offices and.

19 (2) A candidate's committee for a county elective
20 office at a special election.

21 (3) Political committees for local ballot issues
22 shall file their first reports five days prior to any
23 election in which the name of the candidate or the
24 local ballot issue which they support or oppose
25 appears on the printed ballot and.

26 These committees shall file their next report on
27 the first day of the month following the final
28 election in a calendar year in which the candidate's
29 name or the ballot issue appears on the ballot. A
30 committee supporting or opposing a candidate for a
31 municipal or school elective office or a local ballot
32 issue These committees shall also otherwise file
33 disclosure reports on the nineteenth day of January
34 and October of each year in which the candidate or
35 ballot issue does not appear on the ballot and on the
36 nineteenth day of January, May, and July of each year
37 in which the candidate or ballot issue appears on the
38 ballot, until the committee dissolves. These reports
39 However, a candidate's committee for a county elective
40 office at a special election shall file its regular
41 disclosure reports as provided in paragraph "a".

42 Any report filed pursuant to this lettered
43 paragraph shall be current to five days prior to the
44 filing deadline and are considered shall be timely
45 filed, if or mailed bearing a United States postal
46 service postmark on or before the due date."

47 8. Page 33, by inserting after line 27 the
48 following:

49 "Sec. ____ Section 56.40, Code 1995, is amended to
50 read as follows:

Page 4

1 56.40 CAMPAIGN FUNDS.

2 1. As used in this division, "campaign funds"

3 means contributions to a candidate or candidate's

4 committee which are required by this chapter to be
5 deposited in a separate campaign account.
6 2. A candidate's committee shall not accept
7 contributions from any other candidate's committee
8 including candidate's committees from other states or
9 for federal office, unless the candidate for whom each
10 committee is established is the same person and the
11 contributing committee has not made expenditures or
12 received contributions prohibited by the provisions of
13 this chapter. For purposes of this section,
14 "contributions" does not mean travel costs incurred by
15 a candidate in attending a campaign event of another
16 candidate.

17 3. This section shall not be construed to prohibit
18 a candidate or candidate's committee from using
19 campaign funds or accepting contributions for tickets
20 to meals if the candidate attends solely for the
21 purpose of enhancing the person's candidacy or the
22 candidacy of another person."

23 9. Page 38, by inserting after line 4 the
24 following:

25 "Sec. ____ Section 331.302, Code 1995, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 16. The summary of a proposed
28 ordinance containing a zoning regulation, restriction,
29 or boundary shall be published prior to its first
30 consideration by the board of supervisors. After the
31 summary has been published and before the meeting at
32 which the ordinance is to be finally passed, the board
33 on its motion may direct the commissioner of elections
34 to conduct a referendum on the question of whether the
35 registered voters of the unincorporated area of the
36 county favor passage of the ordinance by the board of
37 supervisors. The results of the referendum are
38 binding on any further action of the board pertaining
39 to the ordinance."

40 10. Page 40, by inserting after line 25 the
41 following:

42 "Sec. ____ INTERIM STUDY COMMITTEE. The
43 legislative council is requested to appoint a
44 legislative study committee to meet during the 1996
45 legislative interim and make recommendations regarding
46 the feasibility of expanding the state's participation
47 in registering persons to vote and in processing
48 changes to voter registration on a statewide basis.
49 The committee should also study the feasibility of
50 expanding the current statutory provision which allows

Page 5

1 voters to change their current voter registration on
2 election day and of allowing persons to register to
3 vote on election day.

- 4 Sec. ____ APPLICABILITY. The amendments to
5 sections 53.13 and 53.44 apply to absentee ballot
6 envelopes used on or after the effective date of the
7 amendments to those sections in this Act. However, a
8 county commissioner may continue to use those absentee
9 ballot envelopes in the county commissioner's
10 possession on the effective date of the amendments to
11 those sections in this Act, and until that supply is
12 depleted, notwithstanding the notice of signature
13 requirement in sections 53.13 and 53.44."
14 11. Page 40, line 28, by striking the figure
15 "49.16,".
16 12. Page 40, line 29, by striking the figure
17 "53.2,".
18 13. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

Jacobs of Polk offered the following amendment H-6052, to the Senate amendment H-6042, filed by her from the floor and moved its adoption:

H-6052

- 1 Amend the Senate amendment, H-6042, to House File
2 2387, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 5, by striking the word "shall"
5 and inserting the following: "may".

Amendment H-6052 was adopted.

Jacobs of Polk offered the following amendment H-6051, to the Senate amendment H-6042, filed by her from the floor and moved its adoption:

H-6051

- 1 Amend the Senate amendment, H-6042, to House File
2 2387, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 3, line 47, through page 4,
5 line 22.

Amendment H-6051 was adopted.

On motion by Jacobs of Polk, the House concurred in the Senate amendment H-6042, as amended.

Jacobs of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2387)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brammer	Cataldo	Larson	Moreland
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2387** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nelson of Marshall, for the remainder of the day, on request of Siegrist of Pottawattamie.

The House stood at ease at 5:02 p.m., until the fall of the gavel.

The House resumed session at 5:27 p.m., Speaker Corbett in the chair.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2416)

Hanson of Black Hawk called up for consideration the report of the conference committee on House File 2416 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2416

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2416, a bill for An Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, respectfully make the following report:

- 1. That the Senate recedes from its amendment, H-5589.
2. That House File 2416, as passed by the House, is amended as follows:
1. By striking everything after the enacting clause and inserting the following:

Section 1. AUDITOR OF STATE. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

Table with 2 columns: Description, Amount. Row 1: \$ 1,344,845. Row 2: FTEs 112.50

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative fiscal bureau of the additional full-time equivalent positions retained.

Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	420,554
.....	FTEs	8.00

Sec. 3. DEPARTMENT OF COMMERCE. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	235,556
.....	FTEs	2.00

It is the intent of the general assembly that the two positions authorized in this subsection for the division shall coordinate the administrative services to be provided to the divisions in the department. These two positions are under the direct supervision of, and shall report to, the director of the department.

The division of administrative services shall assess each division within the department of commerce and the office of consumer advocate within the department of justice a pro rata share of the operating expenses of the division of administrative services. The pro rata share shall be determined pursuant to a cost allocation plan established by the division of administrative services and agreed to by the administrators of the divisions and the consumer advocate. To the extent practicable, the cost allocation plan shall be based on the proportion of the administrative expenses incurred on behalf of each division and the office of consumer advocate. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated, an amount sufficient to cover the amount stated in its appropriation, any state assessed indirect costs determined by the department of revenue and finance, and the cost of services provided by the division of administrative services.

2. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,824,481
.....	FTEs	32.50

3. BANKING DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,506,749
.....	FTEs	84.00

4. CREDIT UNION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,076,131
.....	FTEs 20.00

5. INSURANCE DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 3,013,049
.....	FTEs 91.50

Of the amounts appropriated in this section to the insurance division, not more than \$100,000 shall be used for the regulation of health insurance purchasing cooperatives.

The insurance division shall monitor public utilization of the coverages identified in chapter 514C under managed care plans in this state.

The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

- a. Notifies the department of management, legislative fiscal bureau, and the legislative fiscal committee of the need for the expenditures.
- b. Files with each of the entities named in paragraph "a" the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

6. PROFESSIONAL LICENSING AND REGULATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 923,357
.....	FTEs 14.00

7. UTILITIES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 5,227,076
.....	FTEs 79.00

The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the regulation expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which regulation expenses can be paid. Upon approval of the director of the department

of management the division may expend and encumber funds for excess regulation expenses. The amounts necessary to fund the excess regulation expenses shall be collected from those utility companies being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2.

Sec. 4. LEGISLATIVE AGENCIES. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of the members:

..... \$ 22,741

2. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment:

..... \$ 91,427

Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,188,790
..... FTEs 31.35

2. INFORMATION SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,623,195
..... FTEs 141.60

3. PROPERTY MANAGEMENT

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,994,000
..... FTEs 114.00

In addition to the requirements in section 8.39, the department of general services shall not change the appropriations for the purposes designated in subsections 1 through 3 from the amounts appropriated under those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

Savings achieved in providing telephone services shall be used by the department of general services to increase efficiencies in the provision of those services. The department of general services shall report not later than August 31, 1997, on the projects undertaken to the chairpersons and the ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau. The report shall include a listing of the projects and efficiencies undertaken during the fiscal year, the cost of each project, and the benefits, including the projected savings on an annual basis and for the life of the efficiency improvement.

There is appropriated from the rebuild Iowa infrastructure fund to the property management division of the department of general services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the sum of \$50,000, or so much thereof as is necessary, to be used for purposes provided in this subsection.

4. CAPITOL PLANNING COMMISSION

For expenses of the members in carrying out their duties under chapter 18A:

..... \$ 2,000

5. RENTAL SPACE

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16:

..... \$ 656,104

6. UTILITY COSTS

For payment of utility costs and for not more than the following full-time equivalent positions:

..... \$ 2,000,444
 FTEs 1.00

The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. In addition, notwithstanding sections 8.33 and 18.12, subsection 11, any excess funds appropriated for utility costs in this subsection shall not revert to the general fund of the state on June 30, 1997, and these funds shall be used for implementation of energy conservation projects having a payback of 100 percent within a two-year to six-year period. The department of general services shall report not later than August 31, 1997, on the projects having 100 percent payback within a six-year period to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau. The report shall include a listing of the projects undertaken, the cost of each project, and the projected savings on an annual basis and for the life of the project.

7. TERRACE HILL OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill and for not more than the following full-time equivalent positions:

..... \$ 188,701
 FTEs 4.00

Sec. 6. REVOLVING FUNDS. There is appropriated from the designated revolving funds to the department of general services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRALIZED PRINTING

From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	932,915
.....	FTEs	26.05

2. CENTRALIZED PRINTING - REMAINDER

The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1996, and ending June 30, 1997, which are legally payable from this fund.

3. CENTRALIZED PURCHASING

From the centralized purchasing permanent revolving fund established by section 18.9 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	816,123
.....	FTEs	17.05

4. CENTRALIZED PURCHASING - REMAINDER

The remainder of the centralized purchasing permanent revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1996, and ending June 30, 1997, which are legally payable from this fund.

5. VEHICLE DISPATCHER

From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	627,701
.....	FTEs	15.00

6. VEHICLE DISPATCHER - REMAINDER

The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, gasohol, oil, tires, repairs, and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1996, and ending June 30, 1997, which are legally payable from this fund.

The vehicle dispatcher shall report, not later than February 15, 1997, to the chairpersons and the ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau regarding the

efficiencies of the vehicle fleet and the changes in the efficiencies. The report shall include the cost per mile, fuel efficiencies, maintenance costs, useful life, the costs of extending the useful life, and other measures which the vehicle dispatcher or the legislative fiscal bureau finds appropriate. The information shall be reported for each general type of vehicle. The overhead costs shall also be reported with the total costs of the vehicle dispatcher operations.

The department of general services shall report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau not later than February 15, 1997, a comparison of the performance of vehicles burning an 85 percent ethanol mixture and those burning a 10 percent ethanol mixture. The report shall include, but is not limited to, average mileage, vehicle life, and problems encountered.

Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$ 1,145,681
.....	FTEs 17.25

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$ 67,254
.....	FTEs 2.00

3. ADMINISTRATIVE RULES COORDINATOR

For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:

.....	\$ 111,781
.....	FTEs 3.00

4. NATIONAL GOVERNORS' ASSOCIATION

For payment of Iowa's membership in the national governors' association:

.....	\$ 62,435
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Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. FINANCE AND SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	495,682
.....	FTEs	21.00

2. AUDITS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	372,432
.....	FTEs	11.00

3. APPEALS AND FAIR HEARINGS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	170,823
.....	FTEs	24.50

4. INVESTIGATIONS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	756,040
.....	FTEs	35.00

5. HEALTH FACILITIES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,797,191
.....	FTEs	103.00

It is the intent of the general assembly that \$120,000 and 2 FTEs included in this subsection shall be used for additional inspections of state-licensed residential care facilities only.

6. INSPECTIONS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	600,210
.....	FTEs	13.00

7. EMPLOYMENT APPEAL BOARD

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	33,181
.....	FTEs	14.00

The employment appeal board shall be reimbursed by the labor services division of the department of employment services for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

8. STATE FOSTER CARE REVIEW BOARD

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 547,579
.....	FTEs 13.00

The department of human services, in coordination with the state foster care review board and the department of inspections and appeals, shall submit an application for funding available pursuant to Title IV-E of the federal Social Security Act for claims for state foster care review board administrative review costs.

The department of inspections and appeals shall provide an accounting of all costs associated with negotiating agreements and compacts pursuant to section 10A.104, subsection 10, and all costs associated with monitoring such agreements and compacts. Information in the accounting shall include the dates and destinations of all travel related to the negotiations and monitoring, and all costs associated with the personnel involved, including salary, travel, and support costs.

The department of inspections and appeals may charge state departments, agencies, and commissions for services rendered and the payment received shall be considered repayment receipts as defined in section 8.2.

Notwithstanding section 8.33, any funds remaining from the funds appropriated to the state foster care review board for the fiscal year beginning July 1, 1995, pursuant to 1995 Iowa Acts, chapter 219, shall not revert until August 31, 1998. Any such funds remaining shall be used by the state foster care review board for program operations during the fiscal years beginning July 1, 1996, and ending June 30, 1998.

Sec. 9. RACETRACK REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

.....	\$ 1,789,375
.....	FTEs 24.07

It is the intent of the general assembly that the state racing and gaming commission may expend funds during the fiscal year beginning July 1, 1996, and ending June 30, 1997, as approved by the department of management, for regulation of live and simultaneously telecast pari-mutuel racing at the Waterloo greyhound park if the national cattle congress is issued a license from the state racing and gaming commission for the conduct of pari-mutuel racing.

Sec. 10. EXCURSION BOAT REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling laws, and for not more than the following fulltime equivalent positions:

.....	\$ 1,128,828
.....	FTEs 23.79

It is the intent of the general assembly that the racing and gaming commission shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. If more than nine riverboats are operating during the fiscal year beginning July 1, 1996, and ending June 30, 1997, the commission may expend no more than \$84,917 for no more than 2 FTEs for each additional riverboat in excess of nine. The additional expense associated with the positions shall be paid from fees assessed by the commission as provided in chapter 99F.

Notwithstanding section 8.39, funds shall not be transferred to the department of inspections and appeals which would be used for monitoring Indian gaming.

Sec. 11. USE TAX APPROPRIATION. There is appropriated from the use tax receipts collected pursuant to section 423.7 prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the appeals and fair hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$ 1,012,835
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Sec. 12. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 2,073,779
.....	FTEs 30.00

2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

For reimbursement to local law enforcement agencies for the training of officers who resign pursuant to section 384.15, subsection 7:

.....	\$ 47,500
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3. COUNCIL OF STATE GOVERNMENTS

For support of the membership assessment:

.....	\$ 75,500
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Sec. 13. ROAD USE TAX APPROPRIATION. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 56,000

The department of management shall report to the chairpersons and ranking members of the senate and house committees on appropriations, the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation, and the legislative fiscal bureau, the number of furloughs and the number of layoffs that occur in each state agency, the savings associated with those furloughs and layoffs, the effect of the furloughs and layoffs on services provided by the state agency, and other relevant information. The department shall provide a year-end report summarizing the information for the fiscal year beginning July 1, 1996, which will be due by September 1, 1997.

When addressing staffing targets for state agencies, the department of management shall state the number of staff authorized for a state agency in terms of full-time equivalent positions.

Sec. 14. DEPARTMENT OF PERSONNEL. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated including the filing of quarterly reports as required in this section:

1. OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes for the director's staff, information services, data processing, and financial services, and for not more than the following full-time equivalent positions:

..... \$ 992,321
..... FTEs 17.08

2. PROGRAM DELIVERY SERVICES

For salaries for personnel services, employment law and labor relations and training for not more than the following full-time equivalent positions:

..... \$ 1,292,434
..... FTEs 33.20

3. PROGRAM ADMINISTRATION AND DEVELOPMENT

For salaries for employment, compensation, and benefits and workers' compensation and for not more than the following fulltime equivalent positions:

..... \$ 1,511,191
..... FTEs 34.80

Any funds received by the department for workers' compensation purposes other than the funds appropriated in subsection 3 shall be used only for the payment of workers' compensation claims.

The funds for support, maintenance, and miscellaneous purposes for personnel assigned to program delivery under subsection 2 and program administration and development under subsection 3 are payable from the appropriation made in subsection 1.

The department of personnel shall report semi-annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation concerning the number of vacancies in existing full-time equivalent positions and the average time taken to fill the vacancies. The reports shall include quarterly and annual averages organized according to state agency and general occupational category as established by the federal equal employment opportunity commission. All departments and agencies of the state shall cooperate with the department in the preparation of the reports.

The department of personnel shall report annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation concerning the number of private consultant contracts of one year or more which are entered into or extended each year by the departments and agencies of the state. All departments and agencies of the state shall cooperate with the department in the preparation of this report.

The department of personnel shall submit, annually, a report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau regarding the results of the state's top achievement recognition program. The reports submitted shall include, but are not limited to, identification of the recipients, a description of the meritorious achievements, and the awards conferred.

Sec. 15. IPERS. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system:

..... \$ 4,368,900

2. It is the intent of the general assembly that the Iowa public employees' retirement system employ sufficient staff within the appropriation provided in this section to meet the developing requirements of the investment program.

Sec. 16. PRIMARY ROAD FUND APPROPRIATION. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

..... \$ 358,671

Sec. 17. ROAD USE TAX FUND APPROPRIATION. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

..... \$ 58,388

Sec. 18. STATE WORKERS' COMPENSATION CLAIMS. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution, subject to approval of the department of management, to various state departments to fund the premiums for paying workers' compensation claims which are assessed to and collected from the state department by the department of personnel based upon a rating formula established by the department of personnel:

..... \$ 5,884,740

The premiums collected by the department of personnel shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 19. DEPARTMENT OF REVENUE AND FINANCE. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions used for the purposes designated in subsections 1 through 3:

..... FTEs 576.43

1. COMPLIANCE

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,789,038

2. STATE FINANCIAL MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,717,637

3. INTERNAL RESOURCES MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 6,025,904

4. COLLECTION COSTS AND FEES

For payment of collection costs and fees pursuant to section 422.26:

..... \$ 45,000

5. a. In addition to the requirements in section 8.39, the department of revenue and finance shall not change the appropriations for the purposes designated in subsections 1 through 3 from the amounts appropriated in those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

lative fiscal bureau concerning progress in the implementation of generally accepted accounting principles, including determination of reporting entities, fund classifications, modification of the Iowa financial accounting system, progress on preparing a comprehensive annual financial report, and the most current estimate of the general fund balance based on current generally accepted accounting principles.

c. The director of revenue and finance shall report annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau on the implementation and financial status of the integrated revenue information system. The report shall include any changes from the scheduled progress including expenditures or estimated revenue.

d. The director of revenue and finance shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 18, without cost to a city or county.

Sec. 20. LOTTERY. There is appropriated from the lottery fund to the department of revenue and finance for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes for the administration and operation of lottery games, and for not more than the following full-time equivalent positions:

..... \$ 7,494,998
..... FTEs 120,00

Sec. 21. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor vehicle fuel tax fund created by section 452A.77 to the department of revenue and finance for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... \$ 1,034,482

Sec. 22. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 368,508
..... FTEs 5.00

2. BUSINESS SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,745,502
.....	FTEs 32.00

Sec. 23. STATE-FEDERAL RELATIONS. There is appropriated from the general fund of the state to the office of statefederal relations for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 240,172
.....	FTEs 3.00

Sec. 24. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 902,594
.....	FTEs 27.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 25. SURCHARGE FOR THE SECOND INJURY FUND - TASK FORCE.

1. For the fiscal period commencing on the effective date of this section and ending June 30, 1997, the treasurer of state may assess a surcharge on workers' compensation weekly benefits paid in the state during the fiscal year commencing July 1, 1994. The surcharge is payable by all self-insured employers making weekly benefit payments and all insurers making weekly benefit payments on behalf of insured employers. The surcharge applies to all workers' compensation insurance policies and self-insurance coverages of employers approved for self-insurance by the commissioner of insurance pursuant to section 87.4 or 87.11, and to the state of Iowa, its departments, divisions, agencies, commissions, and boards, or any political subdivision coverages whether insured or selfinsured. The surcharge shall not apply to any reinsurance or retrocessional transaction under section 520.4 or 520.9. The treasurer of state shall base the surcharge for each payor upon the payor's pro rata share of weekly benefits paid in the state during the fiscal year commencing July 1, 1994. The treasurer may use reports of weekly benefits paid derived from the last completed policy or reporting year, or other consistent allocation methodology. The surcharge is collectable by an insurer or from its policyholders if the insured employer fails to pay the insurer. An insurance carrier, its agent, or a third-party administrator shall not be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses, or fees. The surcharge is not deemed to be an assessment or tax, but shall be deemed an additional benefit paid for injuries compensable under the second injury fund. However, the treasurer of state shall not collect over \$870,000 in assessing the surcharge.

2. a. A second injury task force is created. The task force shall consist of representatives of business and labor appointed by the industrial commissioner who shall serve as chairperson of the task force. The task force shall study issues relating to the second injury fund including, but not limited to, the following:

(1) The role and purpose of the second injury fund within the workers compensation system.

(2) The source of funding for administrative expenses.

(3) The need for continuation of the second injury fund.

(4) The continuation of the surcharge imposed by this section.

b. The second injury task force shall complete its study and submit its recommendations to the chairpersons and ranking members of the standing committee on business and labor and the standing committee on labor and industrial relations of the general assembly by January 15, 1997.

c. The second injury task force is abolished upon submission of its report and recommendations to the general assembly as provided in this subsection.

3. The surcharges collected pursuant to this section shall be deposited in the second injury fund.

4. The administrative costs and expenses incurred by the treasurer of state, the attorney general, the second injury fund, or the department of revenue and finance, in connection with the second injury fund, may be paid from the fund to the extent authorized by 1995 Iowa Acts, chapter 219, section 25, and this section. However, the payment of administrative costs and expenses incurred by the treasurer of state, the attorney general, the second injury fund, and the department of revenue and finance, as authorized in this subsection, shall only be permitted for administrative costs and expenses incurred in the fiscal year commencing July 1, 1996, and ending June 30, 1997, and shall not exceed \$170,000.

5. An insurer or self-insurer shall pay a surcharge imposed by this section no later than thirty days following the assessment.

6. a. If an insurer, policyholder, or self-insurer withdraws from doing business in this state before the surcharges authorized by this section become due, or fails or neglects to pay the surcharge imposed, the treasurer of state shall at once proceed to collect the surcharge, and may employ such legal process as may be necessary for that purpose, and when so collected shall deposit the surcharge into the second injury fund. The treasurer may bring the suit in any court of this state having jurisdiction, and reasonable attorney's fees may be taxed as costs in the suit.

b. If the surcharges imposed by this section are not paid or transferred when due, the insurer, policyholder, or self-insurer responsible for the failure shall be required to pay, as part of the surcharge, interest on the surcharge at the rate of one and one-half percent per month for each month or fraction of a month delinquent. If the treasurer of state prevails in any dispute concerning the assessment of a surcharge which has not been paid or transferred, interest shall be paid upon the amount found due to the state at the rate of one and one-half percent per month for each month or fraction of a month delinquent.

c. An insurer is not liable for a surcharge which is not paid to the insurer by the policyholder or employer provided the insurer has made good faith efforts to collect the surcharge from the policyholder or employer. An insurance carrier shall

report to the treasurer of state a policyholder or employer who fails to pay a surcharge within thirty days of its due date.

d. In any action concerning the amount of a surcharge imposed by this section, any other surcharge shall continue to be made based upon the amount assessed by the treasurer of state. In the event of an overpayment, the excess amount paid may be credited against future payments otherwise due.

e. An employer who fails to pay the surcharges imposed under this section shall not be allowed to purchase workers' compensation insurance coverage or to renew a self-insurance authorization unless and until the surcharge has been paid.

7. For the purposes of this section, "insurer" includes a self-insurance group approved by the commissioner of insurance pursuant to section 87.4.

Sec. 26. IMPLEMENTATION OF FUNDING REDUCTIONS - INTENT OF GENERAL ASSEMBLY. It is the intent of the general assembly that the departments, agencies, and offices of the executive department of state government shall implement funding reductions through organizational changes which reduce supervisory positions, vertically and horizontally, and increase the span of control of the remaining supervisors as recommended by the governor's committee on government spending reform.

Sec. 27. ELIMINATION OF VACANT UNFUNDED JOBS. The state departments, agencies, or offices receiving appropriations under this Act shall eliminate, within thirty days after the beginning of a fiscal year, all vacant unfunded positions on the table of organization of the state department, agency, or office.

Sec. 28. STATE COMMUNICATIONS NETWORK - REDUCTION OF TRAVEL AND RELATED EXPENSES. The offices of the governor and lieutenant governor, the office of secretary of state, the office of treasurer of state, the auditor of state, the department of commerce, the department of inspections and appeals, the Iowa ethics and campaign disclosure board, the department of general services, the department of management, the department of revenue and finance, and the department of personnel shall use the services of the state communications network as much as possible for interagency communication, meetings, and conferences to reduce travel and related expenses for the respective offices or departments.

Sec. 29. REPORT OF ADDITIONAL INCOME AND EXPENDITURES. The state departments, agencies, and offices receiving appropriations under this Act shall report all expenses in excess of the funds appropriated from any statutory revolving funds during the fiscal year beginning July 1, 1995, and ending June 30, 1996. The report shall also include any income and the beginning and ending balances of the revolving funds.

The report required pursuant to this section shall be submitted not later than September 30, 1996, for expenditures made during the fiscal year beginning July 1, 1995, and ending June 30, 1996, to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau.

Sec. 30. STUDY OF LOTTERY INTERNAL OPERATION.

1. The legislative fiscal bureau shall conduct a study of the administrative practices and advertising practices of the state lottery. The legislative fiscal bureau shall report its findings to the legislative fiscal committee, legislative council, and to the interim legislative study committee established pursuant to subsection 2.

2. The legislative council is requested to establish an interim study of the administrative practices and advertising practices of the state lottery. The study committee shall evaluate the information received from the legislative fiscal bureau pursuant to subsection 1 and make recommendations to be submitted to the legislative council and the general assembly in January 1997.

Sec. 31. FEDERAL GRANTS. All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 32. Section 99D.11, subsection 6, paragraph b, Code 1995, is amended to read as follows:

b. The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure, for the purpose of pari-mutuel wagering, a horse or dog race licensed by the racing authority of another state. It is the responsibility of each licensee to obtain the consent of appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. } 3001-3007, to televise races for the purpose of conducting parimutuel wagering. A licensee may also obtain the permission of a person licensed by the commission to conduct horse or dog races in this state to televise races conducted by that person for the purpose of conducting pari-mutuel racing. However, arrangements made by a licensee to televise any race for the purpose of conducting pari-mutuel wagering are subject to the approval of the commission, and the commission shall select the races to be televised. The races selected by the commission shall be the same for all licensees approved by the commission to televise races for the purpose of conducting pari-mutuel wagering. The commission shall not authorize the simultaneous telecast or televising of and a licensee shall not simultaneously telecast or televise any horse or dog race for the purpose of conducting pari-mutuel wagering unless the simultaneous telecast or televising is done at the racetrack of a licensee that schedules no less than sixty performances of nine live races each day of the season. For purposes of the taxes imposed under this chapter, races televised by a licensee for purposes of pari-mutuel wagering shall be treated as if the races were held at the racetrack of the licensee. Notwithstanding any contrary provision in this chapter, the commission may allow a licensee to adopt the same deductions as those of the pari-mutuel racetrack from which the races are being simultaneously telecast.

Sec. 33. Section 321.19, subsection 1, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa highway safety patrol vehicles shall bear the word "official" and the department shall keep a separate record. Registration plates issued for Iowa highway safety patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle. However, the director of general services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers in the enforcement of the law, persons enforcing chapter 124 and other laws relating to controlled substances, persons in the department of justice, the alcoholic beverages division of the department of commerce, and the department of inspections and appeals who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, and persons in

the lottery division of the department of revenue and finance whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 34. EFFECTIVE DATE. Section 25 of this Act, relating to the second injury fund, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 3, by inserting after the word "authority" the following: " , providing for legislative studies, providing an effective date,".

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

DONALD E. HANSON, Chair
MICHAEL CATALDO
CHUCK GIPP
JERRY MAIN
MATT McCOY

PATTY JUDGE, Chair
MERLIN E. BARTZ
ROD HALVORSON
MARY LUNDBY
ALBERT SORENSEN

The motion prevailed and the report was adopted.

Hanson of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 65:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Coon
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Kremer
Lamberti	Lord	Main	Martin
McCoy	Metcalf	Meyer	Millage
Murphy	Nutt	Rants	Renken
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 29:

Baker	Bernau	Brand	Burnett
Cohoon	Connors	Doderer	Drees

Fallon	Harper	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Mundie	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 6:

Brammer	Cataldo	Larson	Moreland
Nelson, B.	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **House File 2416** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2195, a bill for an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the afternoon of April 23, 1996. Had I been present, I would have voted "aye" on House File 2500 and Senate File 2399.

GARMAN of Story

I was necessarily absent from the House chamber on April 23, 1996. Had I been present, I would have voted "aye" on House File 2500, amendment H-6040 to Senate File 2245, Senate Files 2357 and 2399.

LARSON of Linn

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 23, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 230, an act relating to procedural requirements for the enforcement of certain copyrights.

House File 2201, an act relating to defining the practice of dentistry.

House File 2432, an act relating to the taxation of payments received by organized health care delivery systems.

House File 2448, an act relating to access to criminal history and other records maintained by state agencies.

Senate File 259, an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

Senate File 2097, an act providing a sales, services, and use tax exemption on certain packaging materials used in agricultural, livestock, or dairy production.

Senate File 2114, an act relating to the amount of prison time served by persons convicted of certain forcible felonies, by limiting the reduction of sentence for certain forcible felons, providing for a sentencing task force and a departmental study, and making other related changes.

Senate File 2201, an act relating to the open enrollment application and implementation process and to instructional support for reorganized school districts.

Senate File 2266, an act making transportation-related Code changes including providing for a temporary registration permit, increasing registration fees for certain trailers, and providing an effective date.

Senate File 2294, an act creating multidisciplinary community services teams and providing a penalty.

Senate File 2413, an act relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of an associate juvenile judge and associate probate judge.

Senate File 2422, an act removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation.

Senate File 2453, an act relating to boilers and unfired steam pressure vessels by providing for the inspection of certain unfired steam pressure vessels, the procedure for adopting rules, and providing an effective date.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 23, 1996

The Honorable Leonard Boswell
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 2385, an act relating to appointment and election of state judicial nominating commissioners and providing effective and applicability dates and transition provisions, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Among the most important decisions a Governor makes is the appointment of judges to our state's highest Courts. The process as it exists in Iowa today requires the Governor to select from recommendations made by the State Judicial Nominating Commission. Broadbased and balanced representation of the members serving on the Commission is critical to assuring that nominees for the Court of Appeals and the Iowa Supreme Court are among the most experienced and best qualified persons in the state for the positions.

Since its creation in 1963, membership of the Commission has included seven public members appointed by the Governor and seven lawyer members elected by the Bar. When created, the appointment and election of members to the Commission was tied to the Congressional districts existing at the time. The statute provided that one member was to be appointed and elected from each of the seven Congressional districts.

Questions have been raised over time about the continued appointment and election of 14 members, as the number of Congressional districts have been reduced. The Attorney General addressed the issue in an opinion dated March 9, 1971, stating that the number and bounds of the Judicial Commission Districts were established to conform to the then-existing Congressional districts as a matter of convenience in order to provide geographic distribution of the membership. The opinion went on to conclude that there is no relationship whatever between the Congress and the Judicial Commission, therefore, "there is no reason for a subsequent change in distracting for one purpose to carry with it a change for the other purpose."

A reduction in the number of appointed members reduces the public's opportunity to be involved in the selection of judges to serve on the state's highest benches. These are the judges who make the final decisions concerning disputes considered by Iowa courts. Public member participation in the selection of these judges gives Iowans some assurance that their decisions will fairly reflect the views and philosophies of the people who appear before them. Reducing the number of public members on the Commission, even though an equal number of lawyer positions are eliminated, dilutes, as well as diminishes, the citizen input so necessary to choosing the best persons to serve in these very important positions.

A better way to resolve the confusion caused by the current statute would be to set the number of appointed and elected members at seven each while eliminating all reference to Congressional districts. To do so would avoid the need to shorten the terms of citizens presently serving on the Commission. Action similar to what I am recommending has recently been taken with respect to appointments to both the Corrections Board and Racing and Gaming Commission. This would be a much simpler and more permanent solution than that proposed in Senate File 2385.

For the above reasons, I hereby respectfully disapprove Senate File 2385.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-one fourth grade students from Stuart-Menlo Elementary School, Menlo, accompanied by Debra Stalter and Rosella Tisl. By Dinkla of Guthrie.

Twenty-three fifth grade students from Lakeview Elementary, Centerville, accompanied by Mrs. Murphy. By Kreiman of Davis.

Sixty-six fifth grade students from Colfax-Mingo Elementary, Colfax, accompanied by Paula Klosterboer, Anita Schmitt and Kasey Swanson. By Bell of Jasper.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\529 Dean Gipple, Columbus Junction – For his tireless efforts to enact legislation for the preservation and maintenance of the Pioneer Cemeteries.
- 1996\530 Erma and Leo Duree, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1996\531 Elsie and Mose Sager, Centerville – For celebrating their Seventieth wedding anniversary.
- 1996\532 Alex Geyer, Washington – For winning five 1st place trophies at the State Dance Competition.

RESOLUTION FILED

SCR 123, by committee on education, a concurrent resolution congratulating Coach Dan Gable and the University of Iowa Hawkeye Wrestling Team for winning the National Collegiate Athletic Association's 1996 team championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-6043	H.F.	428	Senate Amendment
H-6047	S.F.	2365	Warnstadt of Woodbury
H-6048	S.F.	2365	McCoy of Polk
H-6049	S.F.	2365	Warnstadt of Woodbury

H-6050	S.F.	2224	Brauns of Muscatine Bradley of Clinton
H-6053	S.F.	2195	Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 5:57 p.m., until 10:00 a.m., Thursday, April 25, 1996.

JOURNAL OF THE HOUSE

One hundred ninth Calendar Day – Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 25, 1996

The House met pursuant to adjournment at 10:00 a.m., Speaker Corbett in the chair.

Prayer was sung by Amy Longwill, Senate Page, and her sister Brianna Longwill, both of Nodaway.

The Journal of Wednesday, April 24, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Black Hawk, on request of Siegrist of Pottawattamie; Cataldo of Polk, on request of Schrader of Marion.

SENATE AMENDMENT CONSIDERED

Ertl of Dubuque called up for consideration **Senate File 2195**, a bill for an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates, amended by the House, further amended by the Senate amendment H-6053 to the House amendment, as follows:

H-6053

- 1 Amend the House amendment, S-5821, to Senate File
- 2 2195, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 5, through page 4,
- 5 line 20, and inserting the following:
- 6 "Section 1. There is appropriated from the
- 7 general fund of the state to the Iowa communications
- 8 network fund created in section 8D.14 for the fiscal
- 9 year beginning July 1, 1996, and ending June 30, 1997,
- 10 the following amount, or so much thereof as is
- 11 necessary, to be used for the purpose designated:
- 12 For debt service:
- 13 \$ 12,754,000
- 14 Upon the appropriation of the funds in this section
- 15 to the Iowa communications network fund, the Iowa
- 16 telecommunications and technology commission shall
- 17 immediately transfer \$12,754,000 of the appropriated

18 amount to a separate fund established in the office of
 19 the treasurer of state, to be used solely for debt
 20 service for the Iowa communications network. The
 21 commission shall certify to the treasurer of state
 22 when a debt service payment is due, and upon receipt
 23 of the certification the treasurer shall make the
 24 payment. The commission shall pay any additional
 25 amount due from funds deposited in the Iowa
 26 communications network fund.

27 Sec.2. PART III RELATED APPROPRIATIONS.

28 1. PART III AUTHORIZED USERS.

29 a. There is appropriated from the rebuild Iowa
 30 infrastructure fund of the state created in section
 31 8.57, subsection 5, to the Iowa communications network
 32 fund under the control of the Iowa telecommunications
 33 and technology commission for the fiscal year
 34 beginning July 1, 1996, and ending June 30, 1997, the
 35 following amount, or so much thereof as is necessary,
 36 to be used for the purpose designated:

37 For the connection of a minimum of 110 Part III
 38 authorized users as determined by the commission and
 39 communicated to the general assembly:

40 \$ 19,600,095

41 b. It is the intent of the general assembly that
 42 the connection of the authorized user sites pursuant
 43 to this subsection be awarded based upon the Part III
 44 contracts executed in 1995.

45 c. It is also the intent of the general assembly
 46 that the commission lease DS-1 or T-1 circuits for
 47 Part III connections currently using analog
 48 technology.

49 d. Notwithstanding the fact that funds
 50 appropriated pursuant to this subsection will not be

Page 2

1 made available prior to July 1, 1996; the Iowa
 2 telecommunications and technology commission is
 3 authorized to negotiate and enter into contracts for
 4 ordering necessary equipment related to the completion
 5 of the connections authorized in paragraph "a" as
 6 deemed appropriate by the commission upon the
 7 effective date of this paragraph.

8 2. PART III NETWORK COSTS - SUBSIDIZATION FUND.

9 There is appropriated from the general fund of the
 10 state to the Iowa communications network fund created
 11 in section 8D.14 for the fiscal year beginning July 1,
 12 1996, and ending June 30, 1997, the following amount,
 13 or so much thereof as is necessary, to be used for the
 14 purposes designated in this subsection:

15 For the subsidization of video rates for authorized
 16 users as determined by the commission and consistent
 17 with chapter 8D:

18 \$ 2,400,000
 19 FTEs 57.00

20 3. PART III NETWORK COSTS - MAINTENANCE AND LEASE
 21 COSTS.

22 a. There is appropriated from the rebuild Iowa
 23 infrastructure fund of the state created in section
 24 8.57, subsection 5, to the Iowa communications network
 25 fund under the control of the Iowa telecommunications
 26 and technology commission for the fiscal year
 27 beginning July 1, 1996, and ending June 30, 1997, the
 28 following amount, or so much thereof as is necessary,
 29 to be used for the purpose designated:

30 For maintenance costs and recurring lease costs as
 31 provided in this subsection:
 32 \$ 1,199,905

33 b. As a condition of the appropriation in this
 34 subsection, \$209,298 of the amount appropriated shall
 35 be expended by the Iowa telecommunications and
 36 technology commission for maintenance costs associated
 37 with Part III connections of the network.

38 c. As a further condition of the appropriation in
 39 this subsection, \$990,607 of the amount appropriated
 40 shall be expended by the Iowa telecommunications and
 41 technology commission for recurring lease costs
 42 associated with Part III connections of the network.

43 4. SUPPORT SERVICES. There is appropriated from
 44 the general fund of the state to the Iowa
 45 communications network fund created in section 8D.14
 46 for the fiscal year beginning July 1, 1996, and ending
 47 June 30, 1997, the following amount, or so much
 48 thereof as is necessary, to be used for the purposes
 49 designated:

50 For purposes designated in paragraphs "a" and "b",

Page 3

1 and for not more than the following full-time
 2 equivalent positions:
 3 \$ 1,950,000
 4 FTEs 10.0

5 a. As a condition of the appropriation in this
 6 subsection, \$450,000 of the amount appropriated shall
 7 be expended by the public broadcasting division of the
 8 department of education to provide support for
 9 functions related to the network, including but not
 10 limited to the following functions: scheduling for
 11 video classrooms; development of distance learning
 12 applications; development of a central information
 13 source on the Internet relating to educational uses of
 14 the network; second-line technical support for network
 15 sites; testing and initializing sites onto the
 16 network; and coordinating the work of the education
 17 telecommunications council. The division is

18 authorized an additional 5.00 FTEs for a total of
19 10.00 FTEs for the purpose of providing such support.

20 b. As a further condition of the appropriation in
21 this subsection, \$1,500,000 of the amount appropriated
22 shall be allocated by the public broadcasting division
23 of the department of education to the regional
24 telecommunications councils established in section
25 8D.5. The regional telecommunications councils shall
26 use the funds to provide technical assistance for
27 network classrooms, planning and troubleshooting for
28 local area networks, scheduling of video sites, and
29 other related support activities.

30 5. SPARE PARTS. There is appropriated from the
31 rebuild Iowa infrastructure fund of the state created
32 in section 8.57, subsection 5, to the Iowa
33 communications network fund created in section 8D.14,
34 for the fiscal year beginning July 1, 1996, and ending
35 June 30, 1997, the following amount, or so much
36 thereof as is necessary, to be used for the purpose
37 designated:

38 For establishing and maintaining a spare parts
39 depot related to the network:
40 \$ 220,000

41 6. COMPUTERS, INTERNET CONNECTION, AND RELATED
42 COSTS. There is appropriated from the rebuild Iowa
43 infrastructure fund of the state created in section
44 8.57, subsection 5, to the Iowa communications network
45 fund created in section 8D.14, for the fiscal year
46 beginning July 1, 1996, and ending June 30, 1997, the
47 following amount, or so much thereof as is necessary,
48 to be used for the purpose designated:

49 For the purchase of computer equipment to be used
50 in connection with the network, providing for

Page 4

1 connections to the Internet through the use of the
2 network, and for maintaining the regional scheduling
3 system:
4 \$ 110,000

5 Sec. 3. There is appropriated from the general
6 fund of the state to the state board of regents for
7 the fiscal year beginning July 1, 1996, and ending
8 June 30, 1997, the following amount, or so much
9 thereof as is necessary, to be used for the purpose
10 designated:

11 For the center for educational technology at the
12 university of northern Iowa to coordinate staff
13 development for educators using educational technology
14 in this state:
15 \$ 500,000

16 Sec. 4. LEGISLATIVE INTENT.

17 1. It is the intent of the general assembly that

18 the Iowa telecommunications and technology commission
19 develop recommendations concerning the expenses which
20 should be recovered in the rates established by the
21 commission for use of the network, and any necessary
22 subsidies. The commission shall file a written report
23 concerning these recommendations with the senate
24 committee on communications and information policy and
25 the house of representatives committee on technology
26 by no later than January 13, 1997.

27 2. It is also the intent of the general assembly
28 that the education telecommunications council and the
29 regional telecommunications councils give priority to
30 network video usage during the normal school hours for
31 grades prekindergarten through twelve at those video
32 sites which are located within school district
33 facilities. The commission, in consultation with the
34 education telecommunications council, shall establish
35 a policy for flexibility of use for educational video
36 classrooms during normal school hours for events
37 unrelated to network use.

38 Sec. 5. CONTRACT MODIFICATION. Notwithstanding
39 section 8D.13, the commission is authorized to
40 negotiate a contract with Sooland Cable involving the
41 connection of five Part III sites, to provide for a
42 lump-sum payment at the time of installation and
43 activation of the circuit which will result in a real
44 savings within a range of \$23,400 up to \$27,000 per
45 site when compared to the original contract price.

46 Sec. 6. ADDITIONAL CONNECTIONS.

47 1. LEWIS CENTRAL HIGH SCHOOL. Notwithstanding
48 section 8D.13, subsection 5, the state may own and the
49 Iowa telecommunications and technology commission
50 shall provide for the construction and connection to

Page 5

1 the Iowa communications network of the Lewis Central
2 high school, located in Council Bluffs and contiguous
3 to the school for the deaf established under chapter
4 270.

5 2. ADDITIONS TO PART III. The Iowa
6 telecommunications and technology commission may
7 contract for construction relating to connections to
8 the Iowa communications network for the following
9 authorized users which were not identified in the
10 original Part III request for proposals, but which
11 meet the definition of a Part III user pursuant to
12 section 8D.13, subsection 2, paragraph "c":

13 a. Meservey-Thornton community school district,
14 Thornton.

15 b. Eldora state training school, Eldora.

16 c. Iowa juvenile home, Toledo.

17 d. Four oaks educational center, Cedar Rapids.

- 18 e. Keystone area education agency, Dubuque.
 19 Sec. 7. EFFECTIVE DATE.
 20 1. Section 2, subsection 1, paragraph "d", of this
 21 Act, which authorizes the Iowa telecommunications and
 22 technology commission to begin negotiations for
 23 ordering necessary equipment prior to the availability
 24 of funding, being deemed of immediate importance,
 25 takes effect upon enactment.
 26 2. Section 6, subsection 1, of this Act, which
 27 authorizes the state to construct and own the Iowa
 28 communications network connection to Lewis Central
 29 high school, being deemed of immediate importance,
 30 takes effect upon enactment."

Speaker pro tempore Van Maanen of Marion in the chair at 10:35 a. m.

Ertl of Dubuque moved that the House concur in the Senate amendment H-6053, to the House amendment.

A non-record roll call was requested.

The ayes were 52, nays 29.

The motion prevailed and the House concurred in the Senate amendment H-6053, to the House amendment.

Ertl of Dubuque moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2195)

The ayes were, 68:

Arnold	Baker	Bell	Bernau
Boggess	Bradley	Brand	Brauns
Burnett	Carroll	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Ertl
Gipp	Gries	Grubbs	Halvorson
Hammitt Barry	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Jacobs
Jochum	Koenigs	Larkin	Larson
Lord	Main	Martin	Mascher
May	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Ollie	Osterhaus	Rants
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Thomson	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 28:

Blodgett	Boddicker	Branstad	Brunkhorst
Coon	Drake	Drees	Eddie
Fallon	Garman	Greig	Greiner
Grundberg	Hahn	Huseman	Klemme
Kreiman	Kremer	Lamberti	McCoy
Meyer	Millage	Nutt	O'Brien
Renken	Teig	Tyrrell	Van Fossen

Absent or not voting, 4:

Brammer	Cataldo	Hanson	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2195** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 128

Welter of Jones called up for consideration House Concurrent Resolution 128, a concurrent resolution honoring the seventy-fifth anniversary of the Division of Criminal Investigation of the Iowa Department of Public Safety, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 128** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:06 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:11 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

On motion by Siegrist of Pottawattamie, the House was recessed at 2:32 p.m., until 5:15 p.m.

EARLY EVENING SESSION

The House reconvened at 5:32 p.m., Speaker Corbett in the chair.

INTRODUCTION OF BILL

House File 2501, by Siegrist and Schrader, a bill for an act providing that a court order the revocation, suspension, or delay of issuance of a driver's license at the time of conviction for certain drug-related offenses, and providing an effective date.

Read first time and referred to committee on **judiciary**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 1996, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2458, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

JOHN F. DWYER, Secretary

HOUSE INSISTS

Millage of Scott called up for consideration **House File 2458**, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

(House File 2458)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2458: Dinkla of Guthrie, Chair; Lamberti of Polk, Van Maanen of Marion, Mascher of Johnson and Moreland of Wapello.

TEMPORARY REPLACEMENT

(Conference Committee on House File 2421)

The Speaker announced that Gipp of Winnishiek will replace Millage of Scott on the Conference Committee on House File 2421, for Friday, April 26, 1996 only.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber the afternoon of April 24, 1996. Had I been present, I would have voted "aye" on House File 2387 and "nay" on House File 2416.

MORELAND of Wapello

I was temporarily absent from the House chamber on April 24, 1996. Had I been present, I would have voted "aye" on House File 2416.

NELSON of Marshall

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this twenty-fifth day of April, 1996: House Files 2050, 2383 and 2499.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2453, an act relating to the regulation of industrial loan companies by establishing certain requirements applicable to a change of control, providing for the appointment of the superintendent or the federal deposit insurance corporation as receiver, and requiring an industrial loan company to obtain federal deposit insurance for certain debt instruments, and making a penalty applicable.

House File 2498, an act relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees.

Senate File 2154, an act relating to certain drug offenses and penalties by increasing the penalties for certain offenses involving methamphetamine, creating new offenses involving ephedrine, and expanding the types of real property within one thousand feet of which a person who unlawfully possesses a substance is subject to an increased penalty.

Senate File 2157, an act relating to postsecondary educational programs, the duties of the college student aid commission in administering the Iowa guaranteed loan program, creating a chiropractic loan revolving fund, providing for matters

related to the chiropractic graduate student forgivable loan program, modifying the registration requirements for postsecondary schools, and increasing registration fees.

Senate File 2168, an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

Senate File 2207, an act relating to the reimbursement of jurors and witnesses for transportation and mileage expenses.

Senate File 2289, an act relating to the department of corrections, including operating while intoxicated violator facilities, reimbursement by parole violators, tort claims protection for certain persons, and inmate accounts.

Senate File 2301, an act relating to lead abatement and inspection, training and certification requirements, providing penalties, and providing a contingent effective date.

Senate File 2321, an act relating to the nonconfidentiality of information regarding the qualifications of interpreters for the deaf services division of the department of human rights.

Senate File 2455, an act relating to the administration of taxes, electronic filing of tax returns and payments; imposition of the penalty for willfully filing a false claim for refund; low income, elderly, and disabled property tax credit filing and certification dates; computation of the real estate transfer tax; repeal of obsolete property tax provision; and providing effective and retroactive applicability dates.

Also on April 25, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2144, an act relating to the payment by third parties of physician assistants and advanced nurse practitioners.

House File 2370, an act relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, use of trade names by corporations and limited liability companies, certain reporting and filing requirements and procedures, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies.

Senate File 2085, an act relating to handicapped parking and providing a penalty.

Senate File 2467, an act increasing the nonpublic school tax credit and eliminating the nonpublic school tax deduction for amounts paid for tuition and textbooks for nonpublic elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty-one sixth grade students from Manson Middle School, Barnum, accompanied by Marilyn Moeding. By Mundie of Webster.

On motion by Siegrist of Pottawattamie, the House adjourned at 5:43 p.m., until 9:00 a.m., Friday, April 26, 1996.

JOURNAL OF THE HOUSE

One hundred tenth Calendar Day – Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 26, 1996

The House met pursuant to adjournment at 9:00 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable David Lord, State Representative from Dallas County.

The Journal of Thursday, April 25, 1996 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1996, adopted the conference committee report and passed House File 2416, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters.

Also: That the Senate has on April 25, 1996, appointed the conference committee to House File 2458, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases, and the members of the Senate are: The Senator from Woodbury, Senator Hansen, Chair; the Senator from Marshall, Senator Giannetto; the Senator from Henry, Senator Vilsack; the Senator from Polk, Senator Maddox; the Senator from Muscatine, Senator Drake.

Also: That the Senate has, on April 26, 1996, appointed Senator Judge in the place of Senator Deluhery to the conference committee on House File 2486, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 9:14 a.m., until 11:30 a.m.

LATE MORNING SESSION

The House reconvened at 11:35 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 24, 1996. Had I been present, I would have voted "aye" on House Files 2387 and 2416, and Senate File 2409.

LARSON of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this twenty-sixth day of April, 1996: House Files 476 and 2153.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty-five fifth grade students from Lucas Elementary, Des Moines.
By Cataldo of Polk.

On motion by Siegrist of Pottawattamie, the House was adjourned at 11:38 a.m., until 10:00 a.m., Monday, April 29, 1996.

JOURNAL OF THE HOUSE

One hundred thirteenth Calendar Day – Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 29, 1996

The House met pursuant to adjournment at 10:00 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Jeff Deitrick, Baptist Church, Bondurant.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cub Scout Pack 10, Bondurant, accompanied by Scout Master David Higgins.

The Journal of Friday, April 26, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo, on request of Siegrist of Pottawattamie.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 560, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates.

JOHN F. DWYER, Secretary

The House stood at ease at 10:13 a.m., until the fall of the gavel.

The House resumed session at 11:24 a.m., Boddicker of Cedar in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:25 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:15 p.m., Speaker Corbett in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 2:16 p.m., until 5:00 p.m.

EARLY EVENING SESSION

The House reconvened at 5:00 p.m., Speaker Corbett in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 29, 1996, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2387, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

JOHN F. DWYER, Secretary

HOUSE INSISTS

Jacobs of Polk called up for consideration **House File 2387**, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date and moved that the House insist on its amendment.

A non-record roll call was requested.

The ayes were 42, nays 17.

The motion prevailed and the House insists.

CONFERENCE COMMITTEE APPOINTED

(House File 2387)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2387: Jacobs of Polk, Chair; Martin of Scott, Drake of Pottawattamie, Witt of Black Hawk and Jochum of Dubuque.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2387** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 111

Myers of Johnson called up for consideration House Resolution 111, a resolution urging the Commission of Veterans Affairs to provide for the establishment of a state veterans' cemetery in central Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEE REPORTS FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee reports on the following bills have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

House File 2458, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

ON THE PART OF THE HOUSE

DWIGHT DINKLA, Chair
JEFFREY LAMBERTI
HAROLD VAN MAANEN

ON THE PART OF THE SENATE

STEVEN D. HANSEN, Chair
RICHARD F. DRAKE
RANDAL J. GIANNETTO
O. GENE MADDOX
TOM VILSACK

Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes.

ON THE PART OF THE HOUSE

STEVEN W. CHURCHILL, Chair
TOM BAKER
PHIL WISE

ON THE PART OF THE SENATE

TOM VILSACK, Chair
TONY BISIGNANO
STEVEN D. HANSEN

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this twenty-ninth day of April, 1996: House Files 2234 and 2491.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2050, an act relating to adoption, including selection criteria preferences in the placement of children for adoption by or through the department of human services, requirements relating to the adoption of the child of a minor parent, and providing a repeal.

House File 2383, an act relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants.

House File 2499, an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

CITIZEN'S AIDE/OMBUDSMAN

The Oath of Office and appointment of William P. Angrick II as Citizen's Aide/Ombudsman, pursuant to Chapter 2C.6, Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

The Annual Report, pursuant to Chapter 411.5(6)(a), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\533 Andrea Gronstal, Carroll – For being named to the Des Moines Register's 1996 Academic All State Team.
- 1996\534 Helen and Charles Henkle, Centerville – For celebrating their Fiftieth wedding anniversary.
- 1996\535 Ruth and Lawrence Frye, Seymour – For celebrating their Fiftieth wedding anniversary.
- 1996\536 Mr. and Mrs. Ralph Koski, Dunlap – For celebrating their Sixtieth wedding anniversary.
- 1996\537 Mary and Harold Divelbess, Missouri Valley – For celebrating their Fiftieth wedding anniversary.
- 1996\538 Brian Moon, Council Bluffs – For being named Volunteer of the Year at the Pottawattamie County Community Volunteer Recognition Luncheon.
- 1996\539 Marianne Knotek, Council Bluffs – For receiving the Evelyn Ahrens Award, which recognizes paid volunteers "past and present who perform above and beyond their duties".

- 1996\540 Marilyn and Cecil Nichols, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\541 John Krayner, Hoover School of Dubuque – For receiving 1st place in the Keystone Area Education Agency History Day Contest in the Historical Division/Junior Division.
- 1996\542 Billy Walsh, Hoover School of Dubuque – For receiving 2nd place in the Keystone Area Education Agency History Day Contest in the Historical Division/Junior Division.
- 1996\543 Kelsey Gibbons, Hoover School of Dubuque – For receiving 1st place in the Keystone Area Education Agency History Day Contest in the Individual Media Division.
- 1996\544 Brian Hauber, Hoover School of Dubuque – For receiving 2nd place in the Keystone Area Education Agency History Day Contest in the Individual Media Division.
- 1996\545 Angie Viertel, Hoover School of Dubuque – For receiving 1st place in the Keystone Area Education Agency History Day Contest in the Group Media Division.
- 1996\546 Trisha Feldman, Hoover School of Dubuque – For receiving 1st place in the Keystone Area Education Agency History Day Contest in the Group Media Division.
- 1996\547 Eric Demoss, Kennedy School of Dubuque – For receiving 1st place in the Keystone Area Education Agency History Day Contest in the Group Media Division.
- 1996\548 Charlie Dissell, Kennedy School of Dubuque – For receiving 1st place in the Keystone Area Education Agency History Day Contest in the Group Media Division.
- 1996\549 Scott LeGrand, Dubuque – For achieving “The Best of Class”.
- 1996\550 Amy J. Glicker, Dubuque – For achieving “The Best of Class”.

RESOLUTION FILED

HR 112, by McCoy, a resolution to honor professional truck drivers who serve their country each day by safely and efficiently delivering freight vital to the welfare of the United States.

Laid over under **Rule 25**.

AMENDMENT FILED

H-6054 H.F. 560 Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 5:16 p.m., until 9:00 a.m., Tuesday, April 30, 1996.

JOURNAL OF THE HOUSE

One hundred fourteenth Calendar Day – Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 30, 1996

The House met pursuant to adjournment at 9:07 a.m., Speaker Corbett in the chair.

Prayer was offered by Mark Vander Tuig, Lutheran Church of the Cross, Altoona.

The Journal of Monday, April 29, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo and Harrison of Scott, both on request of Siegrist of Pottawattamie.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 29, 1996, appointed the conference committee to House File 2387, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date, and the members of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Boone, Senator Sorensen; the Senator from Polk, Senator Dearden; the Senator from Clinton, Senator Rittmer and the Senator from Muscatine, Senator Drake.

Also: That the Senate has on April 29, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2497, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Also: That the Senate has on April 29, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2500, a bill for an act providing for the modification or termination of certain testamentary trusts by the court.

Also: That the Senate has on April 29, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2147, a bill for an act increasing the membership of the Iowa telecommunications and technology commission.

Also: That the Senate has on April 29, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 106, a Senate concurrent resolution commemorating the veterans of the United States armed forces who fought and won the Battle of the Bulge during World War II.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2458)

Dinkla of Guthrie called up for consideration the report of the conference committee on House File 2458 and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2458

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2458, a bill for An Act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases, respectfully make the following report:

1. That the House recedes from its amendment, S-5816.
2. That the Senate recedes from its amendment, H-5922.
3. That House File 2458, as amended, passed, and reprinted by the House, is amended to read as follows:

1. Page 1, by inserting after line 16 the following:

"Sec. ____ Section 216A.136, unnumbered paragraph 1, as enacted by 1996 Iowa Acts, House File 2448, section 2, if enacted, is amended to read as follows:

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, district departments of correctional services, department of human services, judicial department, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or information obtained by the division under this section and the division itself are subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

Sec. __. Section 216A.136, subsection 4, as enacted by 1996 Iowa Acts, House File 2448, section 2, if enacted, is amended to read as follows:

4. Criminal history and intelligence data maintained under chapter 692.”
2. By striking page 4, line 28, through page 5, line 12.
3. Page 5, by inserting before line 13 the following:

“Sec. __. NEW SECTION. 901A.1 CORRECTIONS CONTINUUM -INTER-MEDIATE CRIMINAL SANCTIONS PROGRAM.

1. The corrections continuum consists of the following:

a. LEVEL ONE. Noncommunity-based corrections sanctions including the following:

(1) SELF-MONITORED SANCTIONS. Self-monitored sanctions which are not monitored for compliance including, but not limited to, fines and community service.

(2) OTHER THAN SELF-MONITORED SANCTIONS. Other than selfmonitored sanctions which are monitored for compliance by other than the district department of correctional services including, but not limited to, mandatory mediation, victim and offender reconciliation, and noncommunity-based corrections supervision.

- b. LEVEL TWO. Probation and parole options consisting of the following:

(1) MONITORED SANCTIONS. Monitored sanctions are administrative supervision sanctions which are monitored for compliance by the district department of correctional services and include, but are not limited to, low-risk offender-diversion programs.

(2) SUPERVISED SANCTIONS. Supervised sanctions are regular probation or parole supervision and any conditions established in the probation or parole agreement or by court order.

(3) INTENSIVE SUPERVISION SANCTIONS. Intensive supervision sanctions provide levels of supervision above sanctions in subparagraph (2) but are less restrictive than sanctions under paragraph “c” and include electronic monitoring, day reporting, day programming, live-out programs for persons on work release or who have violated chapter 321J, and institutional work release under section 904.910.

c. LEVEL THREE. Quasi-incarceration sanctions. Quasiincarceration sanctions are those supported by residential facility placement or twenty-four hour electronic monitoring including, but not limited to, the following:

- (1) Residential treatment facilities.
- (2) Operating while intoxicated offender treatment facilities.
- (3) Work release facilities.
- (4) House arrest with electronic monitoring.

d. LEVEL FOUR. Short-term incarceration designed to be of short duration, including, but not limited to, the following:

- (1) Twenty-one-day shock incarceration for persons who violate chapter 321J.

- (2) Jail for less than thirty days.
 - (3) Violators' facilities.
 - (4) Prison with sentence reconsideration.
- e. LEVEL FIVE. Incarceration which consists of the following:
- (1) Prison.
 - (2) Jail for thirty days or longer.

2. "Intermediate criminal sanctions program" means a program structured around the corrections continuum in subsection 1, describing sanctions and services available in each level of the continuum in the district and containing the policies of the district department of correctional services regarding placement of a person in a particular level of sanction and the requirements and conditions under which a defendant will be transferred between levels in the corrections continuum under the program.

3. An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of the corrections continuum and shall be operated in accordance with an intermediate criminal sanctions plan adopted by the chief judge of the judicial district and the director of the judicial district department of correctional services. The plan adopted shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations.

The plan shall be subject to rules adopted by the department of corrections. The rules shall include provisions for transferring individuals between levels in the continuum. The provisions shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available.

A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the division of criminal and juvenile justice planning of the department of human rights.

4. a. The district department of correctional services shall place an individual committed to it under section 907.3 to the sanction and level of supervision which is appropriate to the individual based upon a current risk assessment evaluation. Placements may be to levels two and three of the corrections continuum. The district department may, with the approval of the department of corrections, place an individual in a level four violator facility established pursuant to section 904.207 only as a penalty for a violation of a condition imposed under this section.

b. The district department may transfer an individual along the intermediate criminal sanctions program operated pursuant to subsection 3 as necessary and appropriate during the period the individual is assigned to the district department. However, nothing in this section shall limit the district department's ability to seek a revocation of the individual's probation pursuant to section 908.11.

Sec. __. Section 905.1, subsection 2, Code 1995, is amended to read as follows:

2. "Community-based correctional program" means correctional programs and services, including but not limited to an intermediate criminal sanctions program in accordance with the corrections continuum in section 901A.1, designed

to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release.

An intermediate criminal sanctions program shall be designed by a district department in a manner that provides services in a manner free of disparities based upon an individual's race or ethnic origin.

Sec. __. Section 907.3, subsection 1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

With the consent of the defendant, the court may defer judgment and may place the defendant on probation upon such conditions as it may require. Upon a showing that the defendant is not ~~co-operating~~ cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. __. Section 907.3, subsection 2, Code Supplement 1995, is amended to read as follows:

2. At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. The court may assign the defendant to supervision or services under section 901A.1 at the level of sanctions which the district department determines to be appropriate, if an intermediate criminal sanctions plan and program has been adopted in the judicial district under section 901A.1. However, the court shall not defer the sentence for a violation of section 708.2A if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A. In addition, the court shall not defer a sentence if it is imposed for a conviction for or plea of guilty to a violation of section 236.8 or for contempt pursuant to section 236.8 or 236.14. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. __. Section 907.3, subsection 3, Code Supplement 1995, as amended by 1996 Iowa Acts, Senate File 2269, section 4, is amended to read as follows:

3. By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section 907.7, or commitment of the defendant to the judicial district department of correctional services for supervision

or services under section 901A.1 at the level of sanctions which the district department determines to be appropriate. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend the minimum term of two days imposed pursuant to section 708.2A, subsection 6, paragraph "a", or a sentence imposed under section 708.2A, subsection 6, paragraph "b", and the court shall not suspend a sentence imposed pursuant to section 236.8 or 236.14 for contempt.

Sec. __. Section 907.6, Code 1995, is amended to read as follows:

907.6 CONDITIONS OF PROBATION – REGULATIONS.

Probationers are subject to the conditions established by the judicial district department of correctional services subject to the approval of the court, and any additional reasonable conditions which the court or district department may impose to promote rehabilitation of the defendant or protection of the community. Conditions may include but are not limited to adherence to regulations generally applicable to persons released on parole and including requiring unpaid community service as allowed pursuant to section 907.13."

4. Page 6, by inserting after line 18 the following:

"Sec. __. Section 910.4, Code Supplement 1995, is amended to read as follows:

910.4 CONDITION OF PROBATION – PAYMENT PLAN.

1. When restitution is ordered by the sentencing court and the offender is placed on probation, restitution shall be a condition of probation.

a. Failure of the offender to comply with the plan of restitution, plan of payment, or community service requirements when community service is ordered by the court as restitution, shall constitute a violation of probation and shall constitute contempt of court.

b. ~~The If an offender fails to comply with restitution requirements during probation, the court may hold the offender in contempt, revoke probation, or extend the period of probation, or upon notice of such noncompliance and hearing thereon, the court may enter a civil judgment against the offender for the outstanding balance of payments under the plan of restitution and such judgment shall be governed by the law relating to judgments, judgment liens, executions, and other process available to creditors for the collection of debts.~~

(1) ~~However, if If the court extends the period of probation, is extended it shall not be for more than the maximum period of probation for the offense committed as provided in section 907.7. After discharge from probation or after the expiration of the period of probation, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. As part of the order discharging an offender from probation, the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

(2) If an offender's probation is revoked, the offender's assigned probation officer shall forward to the director of the Iowa department of corrections, information concerning the offender's restitution plan, restitution plan of payment, the restitution payment balance, and any other pertinent information concerning or affecting restitution by the offender.

2. When the offender is committed to a county jail, or to an alternate facility, the office or individual charged with supervision of the offender shall prepare a restitution plan of payment taking into consideration the offender's income, physical and mental health, age, education, employment and family circumstances.

a. The office or individual charged with supervision of the offender shall review the plan of restitution ordered by the court, and shall submit a restitution plan of payment to the sentencing court.

b. When community service is ordered by the court as restitution, the restitution plan of payment shall set out a plan to meet the requirement for the community service.

c. The court may approve or modify the plan of restitution and restitution plan of payment.

d. When there is a significant change in the offender's income or circumstances, the office or individual which has supervision of the plan of payment shall submit a modified restitution plan of payment to the court.

3. When there is a transfer of supervision from one office or individual charged with supervision of the offender to another, the sending office or individual shall forward to the receiving office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required.

When the offender's circumstances and income have significantly changed, the receiving office or individual shall submit a new plan of payment to the sentencing court for approval or modification based on the considerations enumerated in this section.

Sec. __. Section 910.5, Code Supplement 1995, is amended to read as follows:

910.5 CONDITION OF WORK RELEASE OR PAROLE.

1. a. When an offender is committed to the custody of the director of the Iowa department of corrections pursuant to a sentence of confinement, the sentencing court shall forward to the director, a copy of the offender's restitution plan, present restitution payment plan if any, and other pertinent information concerning or affecting restitution by the offender.

b. ~~However, if~~ If the offender is committed to the custody of the director after revocation of probation, this all information regarding the offender's restitution plan shall be forwarded by the offender's probation officer.

c. An offender committed to a penal or correctional facility of the state shall make restitution while placed in that facility.

d. Upon commitment to the custody of the director of the Iowa department of corrections, the director or the director's designee shall prepare a restitution plan of payment or modify any existing plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances.

(2) The director or the director's designee may modify the plan of payment at any time to reflect the offender's present circumstances.

e. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. ~~Upon the expiration of the offender's sentence, the department shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

2. If an offender is to be placed on work release from an institution under the control of the director of the Iowa department of corrections, restitution shall be a condition of work release.

a. The chief of the bureau of community correctional services of the Iowa department of corrections shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances.

(2) The bureau chief may modify the plan of payment at any time to reflect the offender's present circumstances.

b. Failure of the offender to comply with the restitution plan of payment, including the community service requirement, if any, shall constitute a violation of a condition of work release and the work release privilege may be revoked.

c. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. ~~Upon the expiration of the offender's sentence, the bureau chief shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

3. If an offender is to be placed on work release from a facility under control of a county sheriff or the judicial district department of correctional services, restitution shall be a condition of work release.

a. The office or individual charged with supervision of the offender shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment and family circumstances.

(2) Failure of the offender to comply with the restitution plan of payment including the community service requirement, if any, constitutes a violation of a condition of work release.

(3) The office or individual charged with supervision of the offender may modify the plan of restitution at any time to reflect the offender's present circumstances.

b. After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute

~~contempt of court. Upon the expiration of the offender's sentence, the office or individual charged with supervision of the offender shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

4. If an offender is to be placed on parole, restitution shall be a condition of parole.

a. The district department of correctional services to which the offender will be assigned shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment.

(1) The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances.

(2) Failure of the offender to comply with the restitution plan of payment including a community service requirement, if any, shall constitute a violation of a condition of parole.

(3) The parole officer may modify the plan of payment any time to reflect the offender's present circumstances.

(4) A restitution plan of payment or modified plan of payment, prepared by a parole officer, must meet the approval of the director of the district department of correctional services.

b. ~~After the expiration of the offender's sentence, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. Upon the expiration of the offender's sentence, the parole officer shall notify the court which sentenced the offender and the court shall enter a civil judgment against the offender for the balance, if any, of any restitution owed by the offender to the victim of the crime.~~

5. The director of the Iowa department of corrections shall promulgate adopt rules pursuant to chapter 17A concerning the policies and procedures to be used in preparing and implementing restitution plans of payment for offenders who are committed to an institution under the control of the director of the Iowa department of corrections, for offenders who are to be released on work release from institutions under the control of the director of the Iowa department of corrections, for offenders who are placed on probation, and for offenders who are released on parole.

Sec. __. LEGAL REPRESENTATION OF INDIGENTS - STUDY. The legislative council is requested to establish an interim committee to study issues concerning the provision of legal representation to indigents. Matters to be reviewed by the interim committee shall include, but are not limited to, reclassification of indictable misdemeanors as simple misdemeanors, the efficiencies of the state public defender's office, and recoupment of indigent defense costs. The legislative fiscal bureau, the department of justice, and the state public defender shall provide information requested by the committee pertaining to indigent defense, including but not limited to information concerning total cost expenditures by the state public defender, including costs for employee salaries and benefits and for all related office expenses, and statistical data concerning crimes for which penalties have been increased, or which have been recently reclassified as a higher level offense. The interim committee shall consider input from the Iowa state bar

association, the Iowa association of criminal defense lawyers, the Iowa judges association, the Iowa magistrates association, the public defenders association, the state public defender, and the county attorneys association. The interim committee shall submit a report and recommendations to the general assembly by January 1, 1997."

5. Title page, line 1, by inserting after the words "relating to" the following: "criminal and juvenile justice, including criminal corrections sanctions and criminal intelligence data and".

6. Title page, line 3, by inserting after the word "costs," the following: "conducting a study on legal representation for indigents,".

7. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

DWIGHT DINKLA, Chair
JEFFREY LAMBERTI
HAROLD VAN MAANEN

STEVEN D. HANSEN, Chair
RICHARD F. DRAKE
RANDAL J. GIANNETTO
O. GENE MADDIX
TOM VILSACK

Speaker pro tempore Van Maanen of Marion in the chair at 10:04 a.m.

Dinkla of Guthrie moved the adoption of the conference committee report on House File 2458.

The motion prevailed and the report was adopted.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2458)

The ayes were, 60:

Arnold	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 6:

Blodgett	Brammer	Harrison	Kreiman
Myers	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Rule 76 invoked: Kreiman of Davis, invoked Rule 76, conflict of interest, and refrained from voting.

MOTION TO RECONSIDER

Kremer of Buchanan called up for consideration the motion to reconsider Senate File 2153, filed by him on April 16, 1996, and moved to reconsider the vote by which **Senate File 2153**, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy, passed the House and was placed on its last reading on April 16, 1996.

A non-record roll call was requested.

The ayes were 34, nays 46.

The motion to reconsider lost, placing out of order the motion to reconsider Senate File 2153 filed by Metcalf of Polk on April 16, 1996.

SENATE AMENDMENT CONSIDERED

Brunkhorst of Bremer called up for consideration **Senate File 2147**, a bill for an act increasing the membership of the Iowa telecommunications and technology commission, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6055 to the House amendment:

H-6055

- 1 Amend the House amendment, S-5615, to Senate File
- 2 2147, as passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 5,
4 line 42, and inserting the following:

5 ^{""}Section 1. Section 8D.3, subsection 2, Code
6 Supplement 1995, is amended to read as follows:

7 2. MEMBERS. The commission is composed of ~~three~~
8 five members appointed by the governor and subject to
9 confirmation by the senate. Members of the commission
10 shall not serve in any manner or be employed by an
11 authorized user of the network or by an entity seeking
12 to do or doing business with the network. The
13 governor shall appoint a member as the chairperson of
14 the commission from the ~~three~~ five members appointed
15 by the governor, subject to confirmation by the
16 senate. Members of the commission shall serve six-
17 year staggered terms as designated by the governor and
18 appointments to the commission are subject to the
19 requirements of sections 69.16, 69.16A, and 69.19.
20 Vacancies shall be filled by the governor for the
21 duration of the unexpired term. The salary of the
22 members of the commission shall be ~~twenty twelve~~
23 thousand dollars per year, except that the salary of
24 the chairperson shall be ~~twenty-five~~ seventeen
25 thousand dollars per year. Members of the commission
26 shall also be reimbursed for all actual and necessary
27 expenses incurred in the performance of duties as
28 members. Meetings of the commission shall be held at
29 the call of the chairperson of the commission. In
30 addition to the members appointed by the governor, the
31 auditor of state or the auditor's designee shall serve
32 as a nonvoting, ex officio member of the commission.
33 The benefits and salary paid to the members of the
34 commission shall be adjusted annually equal to the
35 average of the annual pay adjustments, expense
36 reimbursements, and related benefits provided under
37 collective bargaining agreements negotiated pursuant
38 to chapter 20.

39 Sec. 2. Section 68B.35, subsection 2, paragraph e,
40 Code 1995, is amended to read as follows:

41 e. Members of the banking board, the ethics and
42 campaign disclosure board, the credit union review
43 board, the economic development board, the employment
44 appeal board, the environmental protection commission,
45 the health facilities council, the Iowa business
46 investment corporation board of directors, the Iowa
47 finance authority, the Iowa seed capital corporation,
48 the Iowa public employees' retirement system
49 investment board, the lottery board, the natural
50 resource commission, the board of parole, the

Page 2

1 petroleum underground storage tank fund board, the
2 public employment relations board, the state racing

3 and gaming commission, the state board of regents, the
 4 tax review board, the transportation commission, the
 5 office of consumer advocate, the utilities board, the
 6 Iowa telecommunications and technology commission, and
 7 any full-time members of other boards and commissions
 8 as defined under section 7E.4 who receive an annual
 9 salary for their service on the board or commission.

10 Sec. 3. INITIAL APPOINTMENTS OF NEW COMMISSION
 11 MEMBERS. The two new members of the Iowa
 12 telecommunications and technology commission provided
 13 for in section 1 of this Act shall be appointed on or
 14 before July 1, 1996, to the following terms:

15 1. One member shall be appointed for a term of
 16 five years.

17 2. One member shall be appointed for a term of
 18 three years."

19 2. Title page, line 2, by inserting after the
 20 word "commission" the following: ", providing for
 21 matters relating to the authority and duties of the
 22 commission, and providing an effective date".

The motion prevailed and the House concurred in the Senate amend-
 ment H-6055, to the House amendment.

Brunkhorst of Bremer moved that the bill, as amended by the House,
 further amended by the Senate and concurred in by the House, be read
 a last time now and placed upon its passage which motion prevailed
 and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2147)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Boddicker	Bogess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz

Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 3:

Greig	Klemme	Meyer
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Absent or not voting, 5:

Blodgett	Brammer	Harrison	Myers
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2458 and Senate File 2147.**

ADOPTION OF HOUSE RESOLUTION 112

McCoy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 112, a resolution to honor professional truck drivers who serve their country each day by safely and efficiently delivering freight vital to the welfare of the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:55 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:25 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

Halvorson of Clayton and Doderer of Johnson invited to the well of the House, for special recognition, members of the House who will be retiring or are candidates for the Iowa Senate. Plaques were presented to the following members:

Thomas E. Baker, District 71	1991 – 1996
Philip E. Brammer, District 53	1983 – 1996
Clifford O. Branstad, District 16	1979 – 1996
Brian A. Coon, District 89	1995 – 1996
Horace C. Daggett, District 88	1973 – 1996
Steven E. Grubbs, District 40	1991 – 1996
Donald E. Hanson, District 24	1991 – 1996
Patricia M. Harper, District 26	1987 – 1990, 1993 – 1996
Neil P. Harrison, District 44	1995 – 1996
Matthew W. McCoy, District 67	1993 – 1996
C. Arthur Ollie, District 38	1983 – 1996
Robert H. Renken, District 21	1980 – 1996

The House rose and expressed its appreciation.

House Speaker Ron Corbett, Majority Leader, Brent Siegrist and Minority Leader, David Schrader were invited to the Speaker's station for a special presentation.

Halvorson of Clayton and Doderer of Johnson, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Seventy-sixth General Assembly.

The House stood at ease at 4:29 p.m., until the fall of the gavel.

The House resumed session at 6:50 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 30, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2153, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy.

Also: That the Senate has on April 30, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Grundberg of Polk called up for consideration House File 2477, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions, amended by the Senate amendment H-5522 as follows:

H-5522

1 Amend House File 2477, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 13 through 18.

4 2. Page 1, line 27, by striking the figure
5 "345,000" and inserting the following: "395,000".

6 3. Page 2, by inserting after line 26 the
7 following:

8 "_. For enhanced forgivable loans:

9 \$ 115,000

10 The amount of an enhanced forgivable loan shall not
11 exceed \$11,500. To qualify for a loan a person shall:

12 (1) Be required to practice primary care in a
13 community designated as underserved by state and
14 federal authorities and having a population of less
15 than 20,000. A student must provide one year of
16 practice for every year of loan forgiveness.

17 (2) Have shown superior academic achievement and
18 demonstrated exceptional financial need during the
19 last year of undergraduate study.

20 The commission shall prescribe by rule the terms of
21 repayment and forgiveness. The rules shall be
22 consistent with the requirements of section 261.19A.
23 The commission shall deposit payments made by loan
24 recipients into the fund created in section 261.19B."

25 4. Page 3, by inserting after line 4 the
26 following:

27 "_. NATIONAL GUARD TUITION AID PROGRAM

28 For tuition aid for Iowa national guard members as
29 provided in section 261.21, as enacted by this Act:

30 \$ 400,000"

31 5. Page 3, line 15, by striking the figure
32 "28.95" and inserting the following: "31.95".

33 6. Page 3, line 24, by striking the words "and
34 which are in addition" and inserting the following:
35 "if the amount of federal funds appropriated for state
36 student incentive grant purposes is less than the
37 amount needed for those purposes in the fiscal year
38 beginning July 1, 1996. If the amount of federal
39 funds for state student incentive grant purposes are
40 sufficient, the funds appropriated in this section
41 shall be divided equally for purposes of the Iowa

42 vocational-technical tuition grants and the work-study
43 program. Funds appropriated in this section are in
44 addition".

45 7. Page 3, line 25, by inserting after the figure
46 "3" the following: ", and section 261.85".

47 8. Page 4, line 4, by striking the figure
48 "150,000" and inserting the following: "155,000".

49 9. Page 4, by striking lines 6 through 8 and
50 inserting the following: "section 261.71, the next

Page 2

1 \$15,000 shall be used to provide grants to students
2 who would meet the requirements for receipt of a
3 vocational-technical tuition grant, but who are
4 enrolled in a licensed school of cosmetology arts and
5 sciences under chapter 157, or a licensed barber
6 school under chapter 158, and any excess remaining".

7 10. Page 4, line 30, by striking the figure
8 "1,061,568" and inserting the following: "1,081,918".

9 11. Page 5, line 5, by striking the figure
10 "2,523,932" and inserting the following: "2,643,267".

11 12. Page 5, line 6, by striking the figure
12 "58.00" and inserting the following: "58.75".

13 13. Page 5, by striking lines 7 through 10.

14 14. Page 5, line 15, by striking the figure
15 "311,039" and inserting the following: "386,039".

16 15. Page 5, line 16, by striking the figure
17 "4.00" and inserting the following: "5.00".

18 16. Page 5, line 21, by striking the figure
19 "220,227" and inserting the following: "260,227".

20 17. Page 6, line 4, by striking the figure
21 "5,138,382" and inserting the following: "5,378,382".

22 18. Page 6, line 5, by striking the figure
23 "94.95" and inserting the following: "96.95".

24 19. Page 6, by inserting after line 34 the
25 following:

26 "The department of education shall conduct a study
27 of open enrollment across state boundaries and report
28 its findings and specific recommendations to the
29 general assembly by January 1, 1997."

30 20. By striking page 6, line 35, through page 7,
31 line 3.

32 21. Page 7, line 8, by inserting after the figure
33 "1." the following: "The department shall determine
34 the goals of the K-12 and community college management
35 information system and establish a timeline by which
36 the goals shall be accomplished. The goals and
37 timeline shall be included in the annual report
38 submitted to the general assembly and the legislative
39 fiscal bureau by January 1, 1997."

40 22. Page 7, line 19, by striking the figure
41 "194,582" and inserting the following: "284,582".

- 42 23. Page 8, line 17, by striking the figure
- 43 "2,470,915" and inserting the following: "2,914,455".
- 44 24. Page 8, line 18, by striking the figure
- 45 "34.50" and inserting the following: "35.50".
- 46 25. Page 8, line 26, by striking the figure
- 47 "6,925,335" and inserting the following: "7,121,340".
- 48 26. Page 8, line 27, by striking the figure
- 49 "101.00" and inserting the following: "104.50".
- 50 27. Page 9, line 22, by striking the figure

Page 3

1 "13.00" and inserting the following: "14.00".

2 28. Page 9, line 35, by striking the figure

3 "69,400" and inserting the following: "84,400".

4 29. Page 10, by striking lines 5 through 17 and

5 inserting the following:

6 " _ . CENTER FOR ASSESSMENT

7 For the purpose of developing academic standards in

8 the areas of math, history, science, English, language

9 arts, and geography:

10 \$ 300,000

11 The department of education shall submit in a

12 report to the general assembly by January 1, 1997, the

13 amount of state funding anticipated to be needed to

14 fund the department's future participation with the

15 center for assessment and shall determine the number

16 of years participation is necessary.

17 _ . NATIONAL ASSESSMENT OF EDUCATION PROGRESS

18 (NAEP)

19 For participation by the department of education in

20 a state and national project, the national assessment

21 of education progress (NAEP), to determine the

22 academic achievement of Iowa students in math,

23 reading, science, United States history, or geography:

24 \$ 50,000

25 _ . ENVIRONMENTAL EDUCATION

26 For purposes of establishing an environmental

27 education program as set forth in Senate File 2415, as

28 passed in the 1996 legislative session by the Senate,

29 and for the following full-time equivalent position:

30 \$ 150,000

31 FTEs 1.00"

32 30. By striking page 10, line 27, through page

33 11, line 15, and inserting the following:

34 " \$126,506,270

35 The funds appropriated in this subsection shall be

36 allocated as follows:

37 a. Merged Area I \$ 6,035,436

38 b. Merged Area II \$ 7,116,730

39 c. Merged Area III \$ 6,720,072

40 d. Merged Area IV \$ 3,273,974

41 e. Merged Area V \$ 6,848,081

42	f. Merged Area VI	\$ 6,346,118
43	g. Merged Area VII	\$ 9,052,574
44	h. Merged Area IX	\$ 11,099,434
45	i. Merged Area X	\$ 17,227,964
46	j. Merged Area XI	\$ 18,540,456
47	k. Merged Area XII	\$ 7,310,574
48	l. Merged Area XIII	\$ 7,477,178
49	m. Merged Area XIV	\$ 3,316,469
50	n. Merged Area XV	\$ 10,344,668

Page 4

1 o. Merged Area XVI..... \$ 5,796,542

2 Of the moneys allocated to merged area XI in
3 paragraph "j", for the fiscal year beginning July 1,
4 1996, and ending June 30, 1997, \$135,000 shall be
5 expended on the career opportunity program to provide
6 assistance to minority persons who major in fields or
7 subject areas where minorities are currently
8 underutilized pursuant to section 260C.29.

9 Sec. 201. APPROPRIATION TO MERGED AREAS —
10 CONTINGENCY. Notwithstanding any Act enacted in 1996
11 during the Seventy-sixth General Assembly, all moneys
12 from appropriations made pursuant to any Act enacted
13 in 1996 by the Seventy-sixth General Assembly to a
14 merged area shall be reduced by 100 percent, if the
15 merged area enters into an agreement under chapter
16 260E or 260F, for a project which includes program
17 services for employees of a confinement feeding
18 operation as defined in section 455B.161."

19 31. By striking page 11, line 18, through page
20 12, line 2, and inserting the following: "257B.1A,
21 subsection 1, and subsequent to the distribution of
22 funds as provided in section 257B.1A, subsections 2
23 and 3, any unobligated or unencumbered moneys in the
24 interest for Iowa schools fund on June 30, 1996, shall
25 be transferred to the department of education for the
26 fiscal year beginning July 1, 1996, and ending June
27 30, 1997, to be used for local arts comprehensive
28 educational strategies (LACES)."

29 32. Page 12, by striking lines 12 through 16.

30 33. Page 12, by striking lines 22 through 32 and
31 inserting the following: "general fund of the state
32 but shall be distributed to the department of
33 education for the fiscal year beginning July 1, 1996,
34 and ending June 30, 1997, for purposes of the gifted
35 and talented summer institute."

36 34. Page 13, by striking lines 5 through 17 and
37 inserting the following:

38 "_. For salaries, support, maintenance,
39 miscellaneous purposes, and for not more than the
40 following full-time equivalent positions:

41	.....	\$ 1,152,417
42	.....	FTEs 15.63

43 If the moneys provided in this lettered paragraph
 44 are augmented by reimbursements from the institutions
 45 under the control of the state board of regents for
 46 the funding of the office of the state board of
 47 regents, the office shall report quarterly such
 48 reimbursements to the chairpersons and ranking members
 49 of the joint appropriations subcommittee on
 50 education."

Page 5

1 35. Page 13, line 34, by striking the figure
 2 "84,156" and inserting the following: "104,156".

3 36. Page 14, line 21, by striking the figure
 4 "202,267,198" and inserting the following:
 5 "203,577,328".

6 37. Page 14, line 22, by striking the figure
 7 "4,020.47" and inserting the following: "4,022.97".

8 38. Page 14, line 33, by inserting after the word
 9 "salaries," the following: "general".

10 39. Page 17, line 33, by striking the figure
 11 "282,101" and inserting the following: "608,448".

12 40. Page 17, by inserting after line 34, the
 13 following:

14 "It is the intent of the general assembly that
 15 fiscal year 1997-1998 shall be the last fiscal year in
 16 which the general assembly appropriates funds for
 17 purposes of the planning and construction of the
 18 national advanced driving simulator.

19 . Research park

20 For salaries, support, maintenance, equipment,
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:

23	\$	321,000
24	FTEs	4.35"

25 41. Page 18, line 5, by striking the figure
 26 "160,639,691" and inserting the following:
 27 "161,859,066".

28 42. Page 18, line 6, by striking the figure
 29 "3,581.98" and inserting the following: "3,583.64".

30 43. Page 18, line 9, by striking the figure
 31 "1,500,000" and inserting the following: "2,000,000".

32 44. Page 18, by striking lines 10 through 13 and
 33 inserting the following: "livestock program."

34 45. Page 18, line 26, by striking the figure
 35 "19,270,398" and inserting the following:
 36 "19,280,398".

37 46. Page 19, by inserting after line 4 the
 38 following:

39 " . Research park

40 For salaries, support, maintenance, miscellaneous
 41 purposes, and for not more than the following full-
 42 time equivalent positions:

43	.....	\$	370,000
44	.....	FTEs	4.31"
45	47. Page 19, by striking line 6 and inserting the		
46	following:		
47	"a. General university		
48	For salaries, support, maintenance, equipment,".		
49	48. Page 19, line 9, by striking the figure		
50	"71,771,714" and inserting the following:		

Page 6

1	"72,821,314".		
2	49. Page 19, by striking lines 13 through 18 and		
3	inserting the following:		
4	" _ . Metal casting		
5	.....	\$	160,000
6	_ . Distance education		
7	To expand coursework at community colleges,		
8	including support for the elementary education program		
9	through merged area XI at the Carroll campus:		
10	.....	\$	150,000"
11	50. Page 20, by striking lines 4 through 15.		
12	51. Page 23, by inserting after line 20 the		
13	following:		
14	"Sec. ____ IOWA GRAIN QUALITY INITIATIVE.		
15	Notwithstanding section 423.24, subsection 1,		
16	paragraph "b", subparagraph (1), there is appropriated		
17	for the fiscal year beginning July 1, 1996, and ending		
18	June 30, 1997, an amount equal to two and three-		
19	quarters percent of the total revenues collected		
20	pursuant to section 423.7 and deposited in the value-		
21	added agricultural products and processes financial		
22	assistance fund, pursuant to section 423.24,		
23	subsection 1, paragraph "b", subparagraph (1), to the		
24	Iowa cooperative extension service in agriculture and		
25	home economics at Iowa state university of science and		
26	technology as matching funds for the Iowa grain		
27	quality initiative. Funds appropriated pursuant to		
28	this section are contingent upon the receipt of		
29	dollar-for-dollar matching funds from grain promotion		
30	boards."		
31	52. Page 24, by striking lines 17 through 23.		
32	53. By striking page 24, line 28, through page		
33	25, line 31.		
34	54. Page 25, line 33, by striking the word		
35	"subsections" and inserting the following:		
36	"subsection".		
37	55. By striking page 25, line 34, through page		
38	26, line 1.		
39	56. Page 26, line 12, by striking the word		
40	"subsections" and inserting the following:		
41	"subsection".		
42	57. By striking page 26, line 13, through page		

43 27, line 12.

44 58. Page 27, line 28, by inserting before the
45 word "for" the following: "and".

46 59. Page 27, by striking lines 29 through 31 and
47 inserting the following: "258 and 260C, for a fiscal
48 year, shall".

49 60. Page 29, by inserting after line 10 the
50 following:

Page 7

1 "Sec. ____ Section 260C.29, subsection 3, Code
2 Supplement 1995, is amended by adding the following
3 new paragraphs:

4 NEW PARAGRAPH. f. Contract with other community
5 colleges to expand the availability of program
6 services and increase the number of students served by
7 the program.

8 NEW PARAGRAPH. g. Establish a separate account,
9 which shall consist of all appropriations, grants,
10 contributions, bequests, endowments, or other moneys
11 or gifts received specifically for purposes of the
12 program by the community college administering the
13 program as provided in subsection 2. Not less than
14 eighty percent of the funds received from state
15 appropriations for purposes of the program shall be
16 used for purposes of assistance to students as
17 provided in subsection 5."

18 61. Page 30, by striking line 2 and inserting the
19 following: "~~as defined under section 260D.2,~~".

20 62. Page 31, line 16, by striking the word
21 "~~hundred~~" and inserting the following: "one hundred".

22 63. By striking page 31, line 17, through page
23 32, line 3.

24 64. Page 34, by striking lines 13 through 25, and
25 inserting the following:

26 "4. The eligibility of applicants shall be".

27 65. Page 35, by striking lines 3 through 13.

28 66. Page 35, by striking lines 20 and 21 and
29 inserting the following: "~~thirty-five~~ thirty-eight
30 million ~~six~~ nine hundred sixty-four thousand seven
31 hundred fifty dollars".

32 67. Page 35, by inserting after line 24 the
33 following:

34 "Sec. ____ Section 261.85, unnumbered paragraph 1,
35 Code Supplement 1995, is amended to read as follows:

36 There is appropriated from the general fund of the
37 state to the commission for each fiscal year the sum
38 of ~~two~~ three million ~~nine~~ one hundred fifty thousand
39 dollars for the work-study program."

40 68. Page 36, line 7, by striking the word
41 "subsections" and inserting the following:
42 "subsection".

- 43 69. Page 36, by striking lines 19 through 22.
44 70. By striking page 36, line 34, through page
45 37, line 8, and inserting the following:
46 "Sec. ____ NEW SECTION. 273.10 MEMBERSHIP IN
47 OTHER ORGANIZATIONS.
48 Duly elected members of boards of directors of area
49 education agencies and designated administrators of
50 area education agencies may join, including the

Page 8

- 1 payment of dues, and participate in local, regional,
2 and national organizations which directly relate to
3 the functions of the board of directors and
4 administrators.
5 Sec. ____ Section 280.18, Code 1995, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Annually, each
8 accredited higher education institution, as defined in
9 section 261.92, shall report the freshman grades of
10 the graduates of a school district to the board of
11 directors of the school district. Not later than one
12 year after the date on which the majority of the
13 district's seniors graduate, the board shall conduct
14 an annual survey of a representative sampling of
15 employers of the local business community. The survey
16 shall assess the employability skills of the
17 district's high school graduates who have entered the
18 local workforce. The employability skills assessed
19 shall include, but are not limited to, reading for
20 information, applied mathematics, listening, and
21 writing. Annually, the school district shall tabulate
22 and summarize the information collected pursuant to
23 this paragraph and shall file a report with the
24 department of education. The board shall make copies
25 of the report available upon request."
26 71. Page 37, by striking lines 13 and 14 and
27 inserting the following: "alliance, ~~seventy thousand~~
28 ~~dollars for gifted and talented,~~ and one hundred
29 eighty thousand dollars for a management".
30 72. Page 37, by striking lines 16 through 20 and
31 inserting the following: "phase I to phase III."
32 73. By striking page 37, line 24 through page 38,
33 line 9, and inserting the following: "thousand
34 dollars for support for the operations of the new Iowa
35 schools development corporation and for school
36 transformation design and implementation projects
37 administered by the corporation. Of the amount
38 provided in this subsection, one hundred fifty
39 thousand dollars shall be used for the school and
40 community planning initiative."
41 74. Page 38, line 17, by striking the figure
42 "25,000" and inserting the following: "50,000".

43 75. Page 38, by striking lines 18 through 23 and
 44 inserting the following:
 45 "_. For matching grants for teachers who select
 46 to participate in the national board for professional
 47 teaching standards process:
 48 \$ 40,000
 49 From the moneys appropriated in this subsection,
 50 not more than one thousand dollars per teacher shall

Page 9

1 be available toward the cost of the certification
 2 process to be matched by the teacher or by the school
 3 district which employs the teacher or has a continuing
 4 contract with the teacher.
 5 _. For the development of a K-12 and community
 6 college management information system:
 7 \$ 150,000
 8 If funds available are insufficient to fully fund
 9 the appropriation for a management information system
 10 in this subsection, the amount distributed for the
 11 management information system shall be reduced to an
 12 amount equal to the available funds.
 13 Sec. __. FUNDING FORMULA RECOMMENDATIONS. By
 14 January 1, 1997, the department of education, in
 15 consultation with the Iowa association of community
 16 college trustees, shall submit recommendations for a
 17 funding formula that identifies and addresses
 18 community college needs.
 19 Sec. __. REPEAL — DIRECTION TO CODE EDITOR.
 20 Section 260C.18A, as enacted in this Act, is repealed
 21 effective July 1, 1997. The Code editor shall strike
 22 the reference to section 260C.18A in section 260C.34
 23 effective July 1, 1997."
 24 76. Page 38, line 25, by striking the figure
 25 "225.28".
 26 77. By striking page 38, line 29, through page
 27 39, line 6.
 28 78. Page 39, line 7, by striking the word and
 29 figures "8, 12, and 46" and inserting the following:
 30 "201, 8, and 12".
 31 79. By renumbering as necessary.

Grundberg of Polk offered the following amendment H-6057, to the Senate amendment H-5522, filed by Grundberg, Shoultz, Hammitt Barry, Gries, Witt, Rants and Nelson of Pottawattamie from the floor and moved its adoption:

H-6057

1 Amend the Senate amendment, H-5522, to House File
 2 2477, as amended, passed, and reprinted by the House,

3 as follows:

4 1. By striking page 1, line 3, through page 9,
5 line 31, and inserting the following:

6 "_. By striking everything after the enacting
7 clause and inserting the following:

8 "COLLEGE STUDENT AID COMMISSION

9 Section 1. There is appropriated from the general
10 fund of the state to the college student aid
11 commission for the fiscal year beginning July 1, 1996,
12 and ending June 30, 1997, the following amounts, or so
13 much thereof as may be necessary, to be used for the
14 purposes designated:

15 1. GENERAL ADMINISTRATION

16 For salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-
18 time equivalent positions:

19	\$	342,797
20	FTEs	7.05

21 The college student aid commission shall conduct a
22 study of and consider possible differentiations in the
23 grants awarded that are based upon parental income and
24 assets under the Iowa tuition grant program and shall
25 consider the reimbursement of grant moneys by a
26 student if the student does not complete a term of
27 study funded by an Iowa tuition grant or a vocational-
28 technical tuition grant. The commission shall submit
29 a report of its findings and recommendations to the
30 general assembly by January 1, 1997.

31 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
32 SCIENCES

33 a. For forgivable loans to Iowa students attending
34 the university of osteopathic medicine and health
35 sciences, under the forgivable loan program pursuant
36 to section 261.19A:

37	\$	379,260
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38 b. For the university of osteopathic medicine and
39 health sciences for an initiative in primary health
40 care to direct primary care physicians to shortage
41 areas in the state:

42	\$	395,000
----------	----	---------

43 The moneys appropriated in this lettered paragraph
44 shall be used as follows:

45 (1) To reduce student loan debt for primary care
46 physicians in an amount not to exceed \$30,000 per
47 student for a four-year period of medical service in
48 medically under-served areas of the state.

49 (2) For tuition scholarships for students
50 attending the university of osteopathic medicine and

2 medicine in medically under-served areas of the state.
 3 The student shall practice in the state two years for
 4 every year of tuition. A person receiving funds under
 5 this subparagraph shall not be eligible for funds
 6 under subparagraph (1).

7 (3) For general administration costs of the
 8 university for the primary care initiative, the
 9 university shall expend an amount not to exceed
 10 \$50,000.

11 Within one month of the end of a fiscal quarter,
 12 the university of osteopathic medicine and health
 13 sciences shall submit a report to the legislative
 14 fiscal bureau concerning the expenditure of funds used
 15 pursuant to subparagraphs (1), (2), and (3) of this
 16 lettered paragraph. The university shall also submit
 17 the annual audit of the university to the legislative
 18 fiscal bureau within six months following the end of
 19 the year being audited.

20 The college student aid commission shall not
 21 provide moneys for subparagraphs (1) and (2) of this
 22 lettered paragraph until the university has signed and
 23 submitted contracts for the use of these moneys for
 24 reduction of student loan debt and tuition
 25 scholarships. Funds for subparagraph (3) of this
 26 lettered paragraph shall be provided quarterly to the
 27 university.

28 Notwithstanding section 8.33, the funds for this
 29 lettered paragraph shall not revert to the general
 30 fund but be available for expenditure the following
 31 fiscal year for purposes of subparagraphs (1) and (2).

32 The college student aid commission, the university
 33 of osteopathic medicine and health sciences, and the
 34 legislative fiscal bureau shall cooperatively develop
 35 and propose uniform time periods of medical practice
 36 which shall be served in the state in return for an
 37 allocation of state funds for purposes of the
 38 university of osteopathic medicine and health
 39 sciences. Proposals developed may relate to
 40 allocations of funds within a single appropriation
 41 concept and include contracting provisions. Proposals
 42 shall be submitted in a report to the general assembly
 43 by January 1, 1997.

44 3. STUDENT AID PROGRAMS

45 For payments to students for the Iowa grant
 46 program:

47 \$ 1,397,790

48 Sec. 2. There is appropriated from the loan
 49 reserve account to the college student aid commission
 50 for the fiscal year beginning July 1, 1996, and ending

1 June 30, 1997, the following amount, or so much
 2 thereof as may be necessary, to be used for the
 3 purposes designated:
 4 For operating costs of the Stafford loan program
 5 including salaries, support, maintenance,
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:

8	\$	4,596,739
9	FTEs	31.95

10 Sec. 3. Notwithstanding the maximum allowed
 11 balance requirement of the scholarship and tuition
 12 grant reserve fund as provided in section 261.20,
 13 there is appropriated from the scholarship and tuition
 14 grant reserve fund to the college student aid
 15 commission for the fiscal year beginning July 1, 1996,
 16 and ending June 30, 1997, the funds remaining
 17 following transfer, pursuant to section 261.20 for the
 18 fiscal year ending June 30, 1995, which are to be
 19 divided equally for purposes of the Iowa vocational-
 20 tuition grants and the work study program. Funds
 21 appropriated in this section are in addition to funds
 22 appropriated in section 261.25, subsection 3, and
 23 section 261.85.

24 Sec. 4. Not later than September 1, 1996, the
 25 college student aid commission shall compile a list of
 26 affected students receiving tuition grants during the
 27 fiscal year beginning July 1, 1995, and who
 28 transferred from a nonaccredited to an accredited
 29 private institution for the fiscal year beginning July
 30 1, 1996. If the student meets all financial aid
 31 criteria as set forth by the commission, the
 32 transferring affected student may continue to receive
 33 a tuition grant for the fiscal year beginning July 1,
 34 1996. The commission shall calculate the funds
 35 remaining from tuition grants awarded to affected
 36 students who do not transfer to an accredited private
 37 institution in the fiscal year beginning July 1, 1996.
 38 Notwithstanding section 261.25, subsection 1, the
 39 first \$200,000 of these funds shall be used for
 40 national guard tuition aid as provided in section
 41 261.21 as enacted by this Act, the next \$115,000 shall
 42 be used for enhanced forgivable loans as provided in
 43 this section, the next \$100,000 shall be used for
 44 chiropractic graduate student forgivable loans as
 45 provided in section 261.71, the next \$15,000 shall be
 46 used to provide grants to students who would meet the
 47 requirements for receipt of a vocational-technical
 48 tuition grant, but who are enrolled in a licensed
 49 school of cosmetology arts and sciences under chapter
 50 157, or a licensed barber school under chapter 158,

1 and any excess remaining funds shall be used to award
 2 tuition grants to eligible students. For purposes of
 3 this paragraph, "affected student" means a qualified
 4 student for whom payment of a tuition grant was made
 5 under section 261.13 for one or more semesters or
 6 trimesters while the student was attending a private
 7 institution which was accredited as defined in section
 8 261.9 for the fiscal year beginning July 1, 1995, but
 9 which does not meet the requirements for an accredited
 10 private institution for the fiscal year beginning July
 11 1, 1996.

12 The amount of an enhanced forgivable loan issued
 13 under this section shall not exceed \$11,500. To
 14 qualify for an enhanced forgivable loan a person
 15 shall do all of the following:

16 (1) Practice as a primary care physician in a
 17 community designated as underserved by state and
 18 federal authorities and which has a population of less
 19 than 20,000. A student must provide one year of
 20 practice for every year of loan forgiveness.

21 (2) Have shown superior academic achievement and
 22 demonstrated exceptional financial need during the
 23 last year of undergraduate study.

24 The commission shall prescribe by rule the terms of
 25 repayment and forgiveness. The rules shall be
 26 consistent with the requirements of section 261.19A.
 27 The commission shall deposit payments made by loan
 28 recipients into the fund created in section 261.19B.

29 DEPARTMENT OF CULTURAL AFFAIRS

30 Sec. 5. There is appropriated from the general
 31 fund of the state to the department of cultural
 32 affairs for the fiscal year beginning July 1, 1996,
 33 and ending June 30, 1997, the following amounts, or so
 34 much thereof as is necessary, to be used for the
 35 purposes designated:

36 1. ARTS DIVISION

37 For salaries, support, maintenance, miscellaneous
 38 purposes, including funds to match federal grants, for
 39 areawide arts and cultural service organizations that
 40 meet the requirements of chapter 303C, and for not
 41 more than the following full-time equivalent
 42 positions:

43	\$	1,081,918
44	FTEs	11.00

45 The Iowa arts council shall develop and implement a
 46 simplified, uniform grant application for use by all
 47 grant applicants and shall prescribe a uniform grant
 48 application renewal period for all grant applicants by
 49 January 15, 1997.

50 2. HISTORICAL DIVISION

Page 5

1	For salaries, support, maintenance, miscellaneous		
2	purposes, and for not more than the following full-		
3	time equivalent positions:		
4	.....	\$	2,626,267
5	..... FTEs		58.50
6	3. HISTORIC SITES		
7	For salaries, support, maintenance, miscellaneous		
8	purposes, and for not more than the following full-		
9	time equivalent positions:		
10	.....	\$	386,039
11	..... FTEs		5.00
12	4. ADMINISTRATION		
13	For salaries, support, maintenance, miscellaneous		
14	purposes, and for not more than the following full-		
15	time equivalent positions:		
16	.....	\$	250,227
17	..... FTEs		4.30
18	5. COMMUNITY CULTURAL GRANTS		
19	For planning and programming for the community		
20	cultural grants program established under section		
21	303.3, and for not more than the following full-time		
22	equivalent position:		
23	.....	\$	707,721
24	..... FTEs		0.70

DEPARTMENT OF EDUCATION

26 Sec. 6. There is appropriated from the general
 27 fund of the state to the department of education for
 28 the fiscal year beginning July 1, 1996, and ending
 29 June 30, 1997, the following amounts, or so much
 30 thereof as may be necessary, to be used for the
 31 purposes designated:

32 **1. GENERAL ADMINISTRATION**

33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time equivalent positions:		
36	.....	\$	5,378,382
37	..... FTEs		96.95

38 The department of education shall conduct a study
 39 of the special education funding system with the
 40 following goals: increasing the capacity of the whole
 41 school to meet the needs of all children; increasing
 42 support available to "at-risk" students; and ensuring
 43 predictable and equitable special education funding at
 44 both the state and local levels. The study shall
 45 include, but is not limited to, an examination of the
 46 consequences of increasing the current special
 47 education weights and the impact that will have on
 48 those districts whose expenditures exceed the amounts
 49 generated under the present weighting plan and on
 50 those districts which are generating sufficient funds;

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1 the issues and feasibility of alternative special
2 education funding systems based on school district
3 experiences with involvement from representatives of
4 the education community, including representatives
5 from area education agencies, special education
6 teachers, administrators, and advocacy groups; and the
7 possibility of establishing a funding system to
8 address students that are "at-risk" but are not
9 currently eligible for special education services.

10 The department shall submit its findings and specific
11 recommendations in a report to the general assembly
12 and the legislative fiscal bureau by January 1, 1997.

13 The department of education shall conduct a study
14 of the trends in the number of students requiring
15 services to become proficient in the English language
16 and the current and projected costs related to
17 providing such services by local school districts.

18 The department shall report its findings and specific
19 recommendations regarding funding to the general
20 assembly and the legislative fiscal bureau by January
21 1, 1997.

22 The department of education, in consultation with
23 the department of human services, shall conduct a
24 study of the funding for educational programs provided
25 for each child living with an individual licensed
26 under chapter 237, or in a foster care or other
27 facility as defined in sections 282.19 and 282.27.

28 The recommendations developed shall include but not be
29 limited to the funding structure and source of
30 funding. The department shall submit a report of its
31 findings and recommendations to chairpersons and
32 ranking members of the joint appropriations
33 subcommittee on education and the chairpersons and
34 ranking members of the standing education committees
35 by January 1, 1997.

36 The department of education shall review the
37 reports required of the department by the general
38 assembly since 1980 and shall catalog the progress,
39 success, and failures of the general assembly in
40 implementing or responding to the recommendations
41 contained in those reports. The department shall
42 submit its findings and recommendations to the
43 chairpersons and ranking members of the joint
44 appropriations subcommittee on education and the
45 chairpersons and ranking members of the standing
46 education committees of the senate and the house of
47 representatives by January 1, 1997.

48 The department of education shall conduct a study
49 of the means by which student employability skills may
50 be measured, including but not limited to the

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1 employability skills of students at various levels of
 2 their secondary education and students who have
 3 graduated, the businesses that employ them, and the
 4 institutions of higher learning which admit the
 5 graduates. The department shall submit its findings
 6 and recommendations to the chairpersons and ranking
 7 members of the joint appropriations subcommittee on
 8 education and the chairpersons and ranking members of
 9 the standing education committees of the senate and
 10 the house of representatives by January 1, 1997.

11 The department of education shall submit an annual
 12 report of funds expended and activities accomplished
 13 in the K-12 and community college management
 14 information system to the the general assembly and the
 15 legislative fiscal bureau by January 1, 1997. The
 16 department shall determine the goals of the K-12 and
 17 community college management information system and
 18 establish a timeline by which the goals shall be
 19 accomplished. The goals and timeline shall be
 20 included in the annual report submitted to the general
 21 assembly and the legislative fiscal bureau by January
 22 1, 1997.

23 2. VOCATIONAL EDUCATION ADMINISTRATION

24 For salaries, support, maintenance, miscellaneous
 25 purposes, and for not more than the following full-
 26 time equivalent positions:

27	\$	656,057
28	FTEs	18.60

29 3. BOARD OF EDUCATIONAL EXAMINERS

30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:

33	\$	194,582
34	FTEs	2.00

35 4. VOCATIONAL REHABILITATION DIVISION

36 a. For salaries, support, maintenance,
 37 miscellaneous purposes, and for not more than the
 38 following full-time equivalent positions:

39	\$	4,098,243
40	FTEs	289.75

41 The division of vocational rehabilitation services
 42 of the department of education shall seek, in addition
 43 to state appropriations, funds other than federal
 44 funds, which may include but are not limited to local
 45 funds, for purposes of matching federal vocational
 46 rehabilitation funds.

47 Notwithstanding the full-time equivalent position
 48 limit established in this subsection for the fiscal
 49 year ending June 30, 1997, if federal funding is
 50 available to pay the costs of additional employees for

1 the vocational rehabilitation division who would have
 2 duties relating to vocational rehabilitation services
 3 paid for through federal funding, authorization to
 4 hire not more than four full-time equivalent employees
 5 shall be provided, the full-time equivalent position
 6 limit shall be exceeded, and the additional employees
 7 shall be hired by the division.

8 b. For matching funds for programs to enable
 9 severely physically or mentally disabled persons to
 10 function more independently, including salaries and
 11 support, and for not more than the following full-time
 12 equivalent positions:

13 \$ 75,169
 14 FTEs 1.50

15 5. STATE LIBRARY

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-
 18 time equivalent positions:

19 \$ 2,797,190
 20 FTEs 34.50

21 Reimbursement of the institutions of higher
 22 learning under the state board of regents for
 23 participation in the access plus program during the
 24 fiscal year beginning July 1, 1996, and ending June
 25 30, 1997, shall not exceed the total amount of
 26 reimbursement paid to the regents institutions of
 27 higher learning for participation in the access plus
 28 program during the fiscal year beginning July 1, 1995,
 29 and ending June 30, 1996.

30 6. REGIONAL LIBRARY

31 For state aid:

32 \$ 1,537,000

33 7. PUBLIC BROADCASTING DIVISION

34 For salaries, support, maintenance, capital
 35 expenditures, miscellaneous purposes, and for not more
 36 than the following full-time equivalent positions:

37 \$ 7,075,335
 38 FTEs 104.50

39 8. CAREER PATHWAYS PROGRAM

40 For purposes of developing and implementing a
 41 career pathways program to expand opportunities for
 42 youth and adults to become prepared for and succeed in
 43 high-wage, high-skill employment:

44 \$ 650,000

45 Of the funds appropriated in this subsection, and
 46 from funds available pursuant to section 256.39,
 47 subsection 7, for each year during the fiscal period
 48 beginning July 1, 1996, and ending June 30, 1998,
 49 \$50,000 may be expended for purposes of employing an
 50 individual to administer and direct the career

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1 pathways program.

2 Notwithstanding section 8.33, unobligated and

3 unencumbered money remaining on June 30, 1997, from

4 the allocation made in this subsection shall not

5 revert but shall be available for expenditure during

6 the following fiscal year.

7 9. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

8 For reimbursement for vocational education

9 expenditures made by secondary schools:

10 \$ 3,308,850

11 Funds allocated in this subsection shall be used

12 for expenditures made by school districts to meet the

13 standards set in sections 256.11, 258.4, and 260C.14

14 as a result of the enactment of 1989 Iowa Acts,

15 chapter 278. Funds shall be used as reimbursement for

16 vocational education expenditures made by secondary

17 schools in the manner provided by the department of

18 education for implementation of the standards set in

19 1989 Iowa Acts, chapter 278.

20 10. SCHOOL FOOD SERVICE

21 For use as state matching funds for federal

22 programs that shall be disbursed according to federal

23 regulations, including salaries, support, maintenance,

24 miscellaneous purposes, and for not more than the

25 following full-time equivalent positions:

26 \$ 2,716,859

27 FTEs 14.00

28 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

29 To provide funds for costs of providing textbooks

30 to each resident pupil who attends a nonpublic school

31 as authorized by section 301.1. The funding is

32 limited to \$20 per pupil and shall not exceed the

33 comparable services offered to resident public school

34 pupils:

35 \$ 616,000

36 12. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

37 To assist a vocational agriculture youth

38 organization sponsored by the schools to support the

39 foundation established by that vocational agriculture

40 youth organization and for other youth activities:

41 \$ 107,900

42 13. FAMILY RESOURCE CENTERS

43 For support of the family resource center

44 demonstration program established under chapter 256C:

45 \$ 120,000

46 14. CENTER FOR ASSESSMENT

47 For the purpose of developing academic standards in

48 the areas of math, history, science, English, language

49 arts, and geography:

50 \$ 200,000

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1 The department of education shall submit in a
 2 report to the general assembly by January 1, 1997, the
 3 amount of state funding anticipated to be needed to
 4 fund the department's future participation with the
 5 center for assessment and shall determine the number
 6 of years participation is necessary.

7 15. COMMUNITY COLLEGES

8 Notwithstanding chapter 260D, if applicable, for
 9 general state financial aid, including general
 10 financial aid to merged areas in lieu of personal
 11 property tax replacement payments under section
 12 427A.13, to merged areas as defined in section 260C.2,
 13 for vocational education programs in accordance with
 14 chapters 258 and 260C:

15 \$ 126,006,270

16 The funds appropriated in this subsection shall be
 17 allocated as follows:

18 a. Merged Area I	\$ 6,011,556
19 b. Merged Area II	\$ 7,088,572
20 c. Merged Area III	\$ 6,693,483
21 d. Merged Area IV	\$ 3,261,020
22 e. Merged Area V	\$ 6,820,986
23 f. Merged Area VI	\$ 6,321,009
24 g. Merged Area VII	\$ 9,016,757
25 h. Merged Area IX	\$ 11,055,518
26 i. Merged Area X	\$ 17,159,800
27 j. Merged Area XI	\$ 18,467,633
28 k. Merged Area XII	\$ 7,281,649
29 l. Merged Area XIII	\$ 7,447,594
30 m. Merged Area XIV	\$ 3,303,347
31 n. Merged Area XV	\$ 10,303,739
32 o. Merged Area XVI	\$ 5,773,608

33 Of the moneys allocated to merged area XI in
 34 paragraph "j", for the fiscal year beginning July 1,
 35 1996, and ending June 30, 1997, \$135,000 shall be
 36 expended on the career opportunity program established
 37 in section 260C.29 to provide assistance to minority
 38 persons who major in fields or subject areas where
 39 minorities are currently underutilized.

40 By January 1, 1997, the department of education, in
 41 consultation with the Iowa association of community
 42 college trustees, shall submit recommendations for a
 43 funding formula that identifies and addresses
 44 community college needs.

45 Unless the board of directors of a community
 46 college filed a dental hygiene program intent form
 47 with the department of education by December 1, 1995,
 48 the board shall not authorize the creation of a dental
 49 hygienist program until after the adjournment of the
 50 first regular session of the Seventy-seventh General

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1 Assembly.

2 Sec. 7. The board of directors of each community
3 college shall submit to the department of education
4 and the legislative fiscal bureau, by August 15, 1996,
5 on forms designed by the department of education in
6 consultation with the community colleges, information
7 which shall include, but is not limited to, the
8 following:

9 1. The number of full-time and part-time students
10 enrolled in each program offered by the community
11 college, listed by program.

12 2. The number of and any appropriate demographic
13 information, including salaries of full-time and part-
14 time staff, relating to the faculty, administration,
15 and support personnel employed at each community
16 college.

17 3. The full-time equivalent total of persons
18 employed as identified in subsection 2.

19 4. Tuition charges, fees, and other costs payable
20 to the community college by a student.

21 5. The types of degrees granted by the community
22 college and the number of students receiving these
23 degrees.

24 6. The amounts of revenues and expenditures from
25 state financial aid, federal funds, tax levies,
26 projects authorized under chapters 260E and 260F,
27 tuition, bonds, other local sources, foundation
28 sources, and donations and gifts that may be accepted
29 by the governing board of a community college.

30 7. An inventory of buildings and facilities owned
31 and leased by the community college, and any related
32 operation and maintenance costs.

33 8. Infrastructure plans, which shall include, but
34 are not limited to, the amounts expended in the
35 current fiscal year on renovation and construction,
36 and any future plans and projected costs for
37 expansion.

38 The department of education may withhold from a
39 community college any state financial assistance
40 appropriated to the department for allocation to the
41 community college for the fiscal year beginning July
42 1, 1996, and ending June 30, 1997, if the community
43 college fails to substantially meet the requirements
44 of this section.

45 Sec. 8. Notwithstanding section 8.33 and 1995 Iowa
46 Acts, chapter 218, section 1, subsection 17, funds
47 appropriated and allocated for advanced placement
48 pursuant to 1995 Iowa Acts, chapter 218, section 1,
49 subsection 17, remaining unencumbered and unobligated
50 on June 30, 1996, shall not revert to the general fund

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1 of the state but shall be distributed to the
2 department of education for the fiscal year beginning
3 July 1, 1996, and ending June 30, 1997, as follows:

4 1. The amount of \$50,000 for participation by the
5 department of education in a state and national
6 project, the national assessment of education progress
7 (NAEP), to determine the academic achievement of Iowa
8 students in math, reading, science, United States
9 history, or geography.

10 2. The amount of \$19,000 for purposes of providing
11 grants to support qualifying teams for a worldwide
12 academic competition.

13 If funds available from the specified source under
14 this section are insufficient to fully fund the
15 appropriations made in this section, the amounts
16 appropriated to the department for the purposes
17 specified under this section shall be reduced
18 proportionately.

19 Sec. 9. DEPARTMENT OF EDUCATION INTERIM MEETING.

20 It is the intent of the general assembly that the
21 chairpersons and ranking members of the joint
22 appropriations subcommittee on education, the
23 legislative fiscal bureau, and the legislative service
24 bureau meet with representatives from the
25 international center for gifted and talented education
26 and the first in the nation in education foundation
27 during the 1996 legislative interim period to
28 determine and recommend a permanent funding source and
29 the amount of funding needed to support the center and
30 the foundation.

31 Sec. 10. INTERNATIONAL CENTER FOR GIFTED AND

32 TALENTED EDUCATION. It is the intent of the general
33 assembly that the international center for gifted and
34 talented education fund the gifted and talented summer
35 institute during the fiscal year beginning July 1,
36 1996, from the moneys appropriated to the
37 international center for gifted and talented education
38 pursuant to section 257B.1A for the fiscal year
39 beginning July 1, 1996, and ending June 30, 1997.

40 Sec. 11. Notwithstanding section 257B.1A,
41 subsection 5, as amended by 1996 Iowa Acts, House File
42 570, and this Act, for the fiscal year beginning July
43 1, 1996, and ending June 30, 1997, 50 percent of the
44 interest remaining in the interest for Iowa schools
45 fund after the total of the transfer of moneys to the
46 first in the nation in education foundation pursuant
47 to section 257B.1A, subsection 2, and after the
48 transfer of moneys to the international center
49 endowment fund in section 257B.1A, subsection 3,
50 paragraph "a", shall, in addition, be transferred to

1 the international center endowment fund and the
 2 remaining 50 percent, rather than become a part of the
 3 interest for Iowa schools fund, shall be transferred
 4 to the first in the nation in education foundation.

5 STATE BOARD OF REGENTS

6 Sec. 12. There is appropriated from the general
 7 fund of the state to the state board of regents for
 8 the fiscal year beginning July 1, 1996, and ending
 9 June 30, 1997, the following amounts, or so much
 10 thereof as may be necessary, to be used for the
 11 purposes designated:

12 1. OFFICE OF STATE BOARD OF REGENTS

13 a. For salaries, support, maintenance,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:

16 \$ 1,137,417
 17 FTEs 15.63

18 If the moneys provided in this lettered paragraph
 19 are augmented by reimbursements from the institutions
 20 under the control of the state board of regents for
 21 the funding of the office of the state board of
 22 regents, the office shall report quarterly such
 23 reimbursements to the chairpersons and ranking members
 24 of the joint appropriations subcommittee on education.

25 The board shall prepare a quarterly report,
 26 regarding the board office budget and the
 27 reimbursements provided to the board by the
 28 institutions of higher learning under the control of
 29 the board, which shall be submitted quarterly to the
 30 general assembly and the legislative fiscal bureau.

31 b. For allocation by the state board of regents to
 32 the state university of Iowa, the Iowa state
 33 university of science and technology, and the
 34 university of northern Iowa to reimburse the
 35 institutions for deficiencies in their operating funds
 36 resulting from the pledging of tuitions, student fees
 37 and charges, and institutional income to finance the
 38 cost of providing academic and administrative
 39 buildings and facilities and utility services at the
 40 institutions:

41 \$ 26,984,350

42 The state board of regents, the department of
 43 management, and the legislative fiscal bureau shall
 44 cooperate to determine and agree upon, by November 15,
 45 1996, the amount that needs to be appropriated for
 46 tuition replacement for the fiscal year beginning July
 47 1, 1997.

48 c. For funds to be allocated to the southwest Iowa
 49 graduate studies center:

50 \$ 104,156

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1 d. For funds to be allocated to the siouxland
 2 interstate metropolitan planning council for the
 3 tristate graduate center under section 262.9,
 4 subsection 21:

5 \$ 74,511

6 e. For funds to be allocated to the quad-cities
 7 graduate studies center:

8 \$ 154,278

9 It is the intent of the general assembly that the
 10 state board of regents explore options relating to
 11 locating the graduate centers under its control within
 12 the appropriate campuses of the community college
 13 system, and that the board consider the benefits of
 14 fully utilizing the Iowa communications network to
 15 maximize efficiency. The board shall review options
 16 regarding relocation of the centers and submit
 17 recommendations to the legislative fiscal bureau and
 18 the joint appropriations subcommittee on education by
 19 January 1, 1997.

20 2. STATE UNIVERSITY OF IOWA

21 a. General university, including lakeside
 22 laboratory

23 For salaries, support, maintenance, equipment,
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:

26 \$ 202,702,328

27 FTEs 4,022.97

28 b. For the primary health care initiative in the
 29 college of medicine and for not more than the
 30 following full-time equivalent positions:

31 \$ 771,000

32 FTEs 11.00

33 From the moneys appropriated in this lettered
 34 paragraph, \$330,000 shall be allocated to the
 35 department of family practice at the state university
 36 of Iowa college of medicine for family practice
 37 faculty and support staff.

38 c. University hospitals

39 For salaries, support, maintenance, equipment, and
 40 miscellaneous purposes and for medical and surgical
 41 treatment of indigent patients as provided in chapter
 42 255, for medical education, and for not more than the
 43 following full-time equivalent positions:

44 \$ 29,452,383

45 FTEs 5,701.67

46 The university of Iowa hospitals and clinics shall
 47 submit quarterly a report regarding the portion of the
 48 appropriation in this lettered paragraph expended on
 49 medical education. The report shall be submitted in a
 50 format jointly developed by the university of Iowa

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1 hospitals and clinics, the legislative fiscal bureau,
2 and the department of management, and shall delineate
3 the expenditures and purposes of the funds.

4 Funds appropriated in this lettered paragraph shall
5 not be used to perform abortions except medically
6 necessary abortions, and shall not be used to operate
7 the early termination of pregnancy clinic except for
8 the performance of medically necessary abortions. For
9 the purpose of this lettered paragraph, an abortion is
10 the purposeful interruption of pregnancy with the
11 intention other than to produce a live-born infant or
12 to remove a dead fetus, and a medically necessary
13 abortion is one performed under one of the following
14 conditions:

15 (1) The attending physician certifies that
16 continuing the pregnancy would endanger the life of
17 the pregnant woman.

18 (2) The attending physician certifies that the
19 fetus is physically deformed, mentally deficient, or
20 afflicted with a congenital illness.

21 (3) The pregnancy is the result of a rape which is
22 reported within 45 days of the incident to a law
23 enforcement agency or public or private health agency
24 which may include a family physician.

25 (4) The pregnancy is the result of incest which is
26 reported within 150 days of the incident to a law
27 enforcement agency or public or private health agency
28 which may include a family physician.

29 (5) The abortion is a spontaneous abortion,
30 commonly known as a miscarriage, wherein not all of
31 the products of conception are expelled.

32 The total quota allocated to the counties for
33 indigent patients for the fiscal year beginning July
34 1, 1996, shall not be lower than the total quota
35 allocated to the counties for the fiscal year
36 commencing July 1, 1995. The total quota shall be
37 allocated among the counties on the basis of the 1990
38 census pursuant to section 255.16.

39 d. Psychiatric hospital

40 For salaries, support, maintenance, equipment,
41 miscellaneous purposes, for the care, treatment, and
42 maintenance of committed and voluntary public
43 patients, and for not more than the following full-
44 time equivalent positions:

45	\$	7,225,868
46	FTEs	307.05

47 e. Hospital-school

48 For salaries, support, maintenance, miscellaneous
49 purposes, and for not more than the following full-
50 time equivalent positions:

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1	\$	5,938,345
2	FTEs	167.10
3	f. Oakdale campus		
4	For salaries, support, maintenance, miscellaneous		
5	purposes, and for not more than the following full-		
6	time equivalent positions:		
7	.....	\$	2,896,269
8	.....	FTEs	63.58
9	g. State hygienic laboratory		
10	For salaries, support, maintenance, miscellaneous		
11	purposes, and for not more than the following full-		
12	time equivalent positions:		
13	.....	\$	3,309,148
14	.....	FTEs	102.49
15	h. Family practice program		
16	For allocation by the dean of the college of		
17	medicine, with approval of the advisory board, to		
18	qualified participants, to carry out chapter 148D for		
19	the family practice program, including salaries and		
20	support, and for not more than the following full-time		
21	equivalent positions:		
22	.....	\$	2,060,917
23	.....	FTEs	180.74
24	i. Child health care services		
25	For specialized child health care services,		
26	including childhood cancer diagnostic and treatment		
27	network programs; rural comprehensive care for		
28	hemophilia patients, and the Iowa high-risk infant		
29	follow-up program, including salaries and support, and		
30	for not more than the following full-time equivalent		
31	positions:		
32	.....	\$	464,274
33	.....	FTEs	10.60
34	j. Agricultural health and safety programs		
35	For agricultural health and safety programs, and		
36	for not more than the following full-time equivalent		
37	positions:		
38	.....	\$	253,213
39	.....	FTEs	3.48
40	k. Statewide cancer registry		
41	For the statewide cancer registry, and for not more		
42	than the following full-time equivalent positions:		
43	.....	\$	195,167
44	.....	FTEs	3.07
45	l. Substance abuse consortium		
46	For funds to be allocated to the Iowa consortium		
47	for substance abuse research and evaluation, and for		
48	not more than the following full-time equivalent		
49	positions:		
50	\$	64,396

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1	FTEs	1.15
2	m. Center for biocatalysis		
3	For the center for biocatalysis, and for not more		
4	than the following full-time equivalent positions:		
5	.....	\$	1,017,000
6	.....	FTEs	14.40
7	n. National advanced driving simulator		
8	For the national advanced driving simulator, and		
9	for not more than the following full-time equivalent		
10	positions:		
11	.....	\$	608,448
12	.....	FTEs	3.58
13	It is the intent of the general assembly that		
14	fiscal year 1997-1998 shall be the last fiscal year in		
15	which the general assembly appropriates funds for		
16	purposes of the planning and construction of the		
17	national advanced driving simulator.		
18	o. Research park		
19	For salaries, support, maintenance, equipment,		
20	miscellaneous purposes, and for not more than the		
21	following full-time equivalent positions:		
22	.....	\$	321,000
23	.....	FTEs	4.35
24	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
25	a. General university		
26	For salaries, support, maintenance, equipment,		
27	miscellaneous purposes, and for not more than the		
28	following full-time equivalent positions:		
29	.....	\$	161,084,066
30	.....	FTEs	3,583.64
31	Of the funds appropriated in this lettered		
32	paragraph, for the fiscal year beginning July 1, 1996,		
33	and ending June 30, 1997, \$40,000 shall be expended		
34	for purposes of the institute of public leadership.		
35	Of the funds appropriated in this lettered		
36	paragraph, for the fiscal year beginning July 1, 1996,		
37	and ending June 30, 1997, \$1,700,000 shall be expended		
38	for purposes of the healthy livestock program.		
39	b. Agricultural experiment station		
40	For salaries, support, maintenance, miscellaneous		
41	purposes, and for not more than the following full-		
42	time equivalent positions:		
43	.....	\$	31,754,200
44	.....	FTEs	546.98
45	c. Cooperative extension service in agriculture		
46	and home economics		
47	For salaries, support, maintenance, miscellaneous		
48	purposes, including salaries and support for the fire		
49	service institute, and for not more than the following		
50	full-time equivalent positions:		

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1	\$	19,280,398
2	FTEs	431.85
3	By January 1, 1997, Iowa state university of		
4	science and technology shall submit a report		
5	concerning the population served and each service		
6	provided by the Iowa cooperative extension service in		
7	agriculture and home economics to the chairpersons and		
8	ranking members of the joint appropriations		
9	subcommittee on education and the legislative fiscal		
10	bureau.		
11	d. Leopold center		
12	For agricultural research grants at Iowa state		
13	university under section 266.39B, and for not more		
14	than the following full-time equivalent positions:		
15	.....	\$	560,593
16	.....	FTEs	11.25
17	e. Livestock disease research		
18	For deposit in and the use of the livestock disease		
19	research fund under section 267.8, and for not more		
20	than the following full-time equivalent positions:		
21	.....	\$	276,022
22	.....	FTEs	3.17
23	f. Research park		
24	For salaries, support, maintenance, miscellaneous		
25	purposes, and for not more than the following full-		
26	time equivalent positions:		
27	.....	\$	370,000
28	.....	FTEs	4.31
29	4. UNIVERSITY OF NORTHERN IOWA		
30	a. General university		
31	For salaries, support, maintenance, equipment,		
32	miscellaneous purposes, and for not more than the		
33	following full-time equivalent positions:		
34	.....	\$	72,083,159
35	.....	FTEs	1,425.50
36	b. Recycling and reuse center		
37	.....	\$	239,745
38	c. Metal casting		
39	.....	\$	160,000
40	5. STATE SCHOOL FOR THE DEAF		
41	For salaries, support, maintenance, miscellaneous		
42	purposes, and for not more than the following full-		
43	time equivalent positions:		
44	.....	\$	6,703,655
45	.....	FTEs	124.14
46	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
47	For salaries, support, maintenance, miscellaneous		
48	purposes, and for not more than the following full-		
49	time equivalent positions:		
50	.....	\$	3,736,503

1 FTEs 83.68
 2 7. TUITION AND TRANSPORTATION COSTS
 3 For payment to local school boards for the tuition
 4 and transportation costs of students residing in the
 5 Iowa braille and sight saving school and the state
 6 school for the deaf pursuant to section 262.43 and for
 7 payment of certain clothing and transportation costs
 8 for students at these schools pursuant to section
 9 270.5:

10 \$ 11,882

11 Sec. 13. If revenues received by the state board
 12 of regents from indirect cost reimbursements, refunds
 13 and reimbursements, interest, and other categories
 14 within the general operating budgets of the
 15 institutions of higher learning under the control of
 16 the regents equal an amount greater than the original
 17 budget approved by the regents board for the fiscal
 18 year beginning July 1, 1996, and ending June 30, 1997,
 19 the increase shall be used for building repair,
 20 deferred maintenance, or fire safety at the respective
 21 institutions of higher learning under the control of
 22 the board, and shall not be used to increase budget
 23 ceilings adopted by the regents board.

24 Sec. 14. Reallocations of sums received under
 25 section 12, subsections 2, 3, 4, 5, and 6, of this
 26 Act, including sums received for salaries, shall be
 27 reported on a quarterly basis to the co-chairpersons
 28 and ranking members of the legislative fiscal
 29 committee and the joint appropriations subcommittee on
 30 education.

31 Sec. 15. It is the intent of the general assembly
 32 that \$328,155 of the money appropriated to the
 33 university of northern Iowa for the fiscal year
 34 beginning July 1, 1996, and ending June 30, 1997, in
 35 1996 Iowa Acts, Senate File 2195, section 3, if
 36 enacted, shall be treated by the department of
 37 management in the same manner as the money
 38 appropriated under the general university category for
 39 the university of northern Iowa in section 12,
 40 subsection 4, paragraph "a", of this Act.

41 Sec. 16. Notwithstanding section 8.33, funds
 42 appropriated in 1995 Iowa Acts, chapter 218, section
 43 6, subsection 1, paragraph "b", remaining unencumbered
 44 or unobligated on June 30, 1996, shall not revert to
 45 the general fund of the state but shall be available
 46 for expenditure for the purposes listed in section 12,
 47 subsection 1, paragraph "b", of this Act during the
 48 fiscal year beginning July 1, 1996, and ending June
 49 30, 1997.

50 Sec. 17. MEDICAL ASSISTANCE - SUPPLEMENTAL

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1 AMOUNTS. For the fiscal year beginning July 1, 1996,
2 and ending June 30, 1997, the department of human
3 services shall continue the supplemental
4 disproportionate share and a supplemental indirect
5 medical education adjustment applicable to state-owned
6 acute care hospitals with more than 500 beds and shall
7 reimburse qualifying hospitals pursuant to that
8 adjustment with a supplemental amount for services
9 provided medical assistance recipients. The
10 adjustment shall generate supplemental payments
11 intended to equal the state appropriation made to a
12 qualifying hospital for treatment of indigent patients
13 as provided in chapter 255. To the extent of the
14 supplemental payments, a qualifying hospital shall,
15 after receipt of the funds, transfer to the department
16 of human services an amount equal to the actual
17 supplemental payments that were made in that month.
18 The aggregate amounts for the fiscal year shall not
19 exceed the state appropriation made to the qualifying
20 hospital for treatment of indigent patients as
21 provided in chapter 255. The department of human
22 services shall deposit the portion of these funds
23 equal to the state share in the department's medical
24 assistance account and the balance shall be credited
25 to the general fund of the state. To the extent that
26 state funds appropriated to a qualifying hospital for
27 the treatment of indigent patients as provided in
28 chapter 255 have been transferred to the department of
29 human services as a result of these supplemental
30 payments made to the qualifying hospital, the
31 department shall not, directly or indirectly, recoup
32 the supplemental payments made to a qualifying
33 hospital for any reason, unless an equivalent amount
34 of the funds transferred to the department of human
35 services by a qualifying hospital pursuant to this
36 provision is transferred to the qualifying hospital by
37 the department.

38 If the state supplemental amount allotted to the
39 state of Iowa for the federal fiscal year beginning
40 October 1, 1996, and ending September 30, 1997,
41 pursuant to section 1923 (f)(3) of the federal Social
42 Security Act, as amended, or pursuant to federal
43 payments for indirect medical education is greater
44 than the amount necessary to fund the federal share of
45 the supplemental payments specified in the preceding
46 paragraph, the department of human services shall
47 increase the supplemental disproportionate share or
48 supplemental indirect medical education adjustment by
49 the lesser of the amount necessary to utilize fully
50 the state supplemental amount or the amount of state

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1 funds appropriated to the state university of Iowa
2 general education fund and allocated to the university
3 for the college of medicine. The state university of
4 Iowa shall transfer from the allocation for the
5 college of medicine to the department of human
6 services, on a monthly basis, an amount equal to the
7 additional supplemental payments made during the
8 previous month pursuant to this paragraph. A
9 qualifying hospital receiving supplemental payments
10 pursuant to this paragraph that are greater than the
11 state appropriation made to the qualifying hospital
12 for treatment of indigent patients as provided in
13 chapter 255 shall be obligated as a condition of its
14 participation in the medical assistance program to
15 transfer to the state university of Iowa general
16 education fund on a monthly basis an amount equal to
17 the funds transferred by the state university of Iowa
18 to the department of human services. To the extent
19 that state funds appropriated to the state university
20 of Iowa and allocated to the college of medicine have
21 been transferred to the department of human services
22 as a result of these supplemental payments made to the
23 qualifying hospital, the department shall not,
24 directly or indirectly, recoup these supplemental
25 payments made to a qualifying hospital for any reason,
26 unless an equivalent amount of the funds transferred
27 to the department of human services by the state
28 university of Iowa pursuant to this paragraph is
29 transferred to the qualifying hospital by the
30 department.

31 Continuation of the supplemental disproportionate
32 share and supplemental indirect medical education
33 adjustment shall preserve the funds available to the
34 university hospital for medical and surgical treatment
35 of indigent patients as provided in chapter 255 and to
36 the state university of Iowa for educational purposes
37 at the same level as provided by the state funds
38 initially appropriated for that purpose.

39 The department of human services shall, in any
40 compilation of data or other report distributed to the
41 public concerning payments to providers under the
42 medical assistance program, set forth reimbursements
43 to a qualifying hospital through the supplemental
44 disproportionate share and supplemental indirect
45 medical education adjustment as a separate item and
46 shall not include such payments in the amounts
47 otherwise reported as the reimbursement to a
48 qualifying hospital for services to medical assistance
49 recipients.

50 For purposes of this section, "supplemental

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1 payment" means a supplemental payment amount paid for
2 medical assistance to a hospital qualifying for that
3 payment under this section.

4 Sec. 18. For the fiscal year beginning July 1,
5 1996, and ending June 30, 1997, the state board of
6 regents may use notes, bonds, or other evidences of
7 indebtedness issued under section 262.48 to finance
8 projects that will result in energy cost savings in an
9 amount that will cause the state board to recover the
10 cost of the projects within an average of six years.

11 Sec. 19. Notwithstanding section 270.7, the
12 department of revenue and finance shall pay the state
13 school for the deaf and the Iowa braille and sight
14 saving school the moneys collected from the counties
15 during the fiscal year beginning July 1, 1996, for
16 expenses relating to prescription drug costs for
17 students attending the state school for the deaf and
18 the Iowa braille and sight saving school.

19 Sec. 20. Section 11.6, subsection 1, paragraph a,
20 unnumbered paragraph 1, Code 1995, is amended to read
21 as follows:

22 The financial condition and transactions of all
23 cities and city offices, counties, county hospitals
24 organized under chapters 347 and 347A, memorial
25 hospitals organized under chapter 37, entities
26 organized under chapter 28E having gross receipts in
27 excess of one hundred thousand dollars in a fiscal
28 year, merged areas, area education agencies, and all
29 school offices in school districts, shall be examined
30 at least once each year, except that cities having a
31 population of seven hundred or more but less than two
32 thousand shall be examined at least once every four
33 years, and cities having a population of less than
34 seven hundred may be examined as otherwise provided in
35 this section. The examination shall cover the fiscal
36 year next preceding the year in which the audit is
37 conducted. The examination of school offices shall
38 include an audit of all school funds, the certified
39 annual financial report, and the certified enrollment
40 as provided in section 257.6. Examinations of
41 ~~community colleges shall include an audit of eligible~~
42 ~~and noneligible contact hours as defined in section~~
43 ~~260D.2. Eligible and noneligible contact hours and~~
44 ~~any differences~~ Differences in certified enrollment
45 shall be reported to the department of management.

46 Sec. 21. Section 256.52, subsections 1 and 2, Code
47 1995, are amended to read as follows:

48 1. The state commission of libraries consists of
49 one member appointed by the supreme court, the
50 director of the department of education, or the

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1 director's designee, and six members appointed by the
2 governor to serve four-year terms beginning and ending
3 as provided in section 69.19. Of the governor's
4 appointees, one member shall be from the medical
5 profession and five members selected at large. Not
6 more than three of the members appointed by the
7 governor shall be of the same gender. The members
8 shall be reimbursed for their actual expenditures
9 necessitated by their official duties. Members may
10 also be eligible for compensation as provided in
11 section 7E.6.

12 2. The commission shall elect one of its members
13 as chairperson. The commission shall meet at the time
14 and place specified by call of the chairperson. ~~Four~~
15 Five members are a quorum for the transaction of
16 business.

17 Sec. 22. Section 257.31, subsection 16, Code 1995,
18 is amended to read as follows:

19 16. The committee shall perform the duties
20 assigned to it under ~~chapter 260D and section sections~~
21 257.32 and 260C.18B.

22 Sec. 23. Section 257B.1A, subsections 2 through 4,
23 if enacted by 1996 Iowa Acts, House File 570, are
24 amended to read as follows:

25 2. For a transfer of moneys from the interest for
26 Iowa schools fund to the first in the nation in
27 education foundation, prior to July 1, October 1,
28 January 1, and March 1 of each year, the governing
29 board of the first in the nation in education
30 foundation established in section 257A.2 shall certify
31 to the treasurer of state the cumulative total value
32 of cash contributions received under section 257A.7
33 for deposit in the first in the nation in education
34 fund and for the use of the foundation. ~~The value of~~
35 ~~in-kind contributions shall be based upon the fair~~
36 ~~market value of the contribution determined for income~~
37 ~~tax purposes.~~

38 The portion of the permanent school fund that is
39 equal to the cumulative total value of cash
40 contributions, less the portion of the permanent
41 school fund dedicated to the international center for
42 gifted and talented education, is dedicated to the
43 first in the nation in education foundation for that
44 year. The interest earned on this dedicated amount
45 shall be transferred by the treasurer of state to the
46 credit of the first in the nation in education
47 foundation.

48 3. a. For a transfer of moneys from the interest
49 for Iowa schools fund to the international center
50 endowment fund established in section 263.8A, prior to

Page 24.

1 July 1, October 1, January 1, and March 1 of each
2 year, the state university of Iowa shall certify to
3 the treasurer of state the cumulative total value of
4 cash contributions received and deposited in the
5 international center endowment fund. Within fifteen
6 days following certification by the state university
7 of Iowa, the treasurer of state shall transfer from
8 the interest for Iowa schools fund to the
9 international center an amount equal to the amount of
10 interest earned on the portion of the permanent school
11 fund that is equal to one-half the cumulative total
12 value of the cash contributions deposited in the
13 international center endowment fund, not to exceed
14 eight hundred seventy-five thousand dollars.

15 b. However, if prior to July 1, 1998, the general
16 assembly appropriates moneys for the international
17 center endowment fund established in section 263.8A in
18 an aggregate amount equal to eight hundred seventy-
19 five thousand dollars, the transfer of the interest
20 earned based upon the cumulative value of cash
21 contributions equal to one million seven hundred fifty
22 thousand dollars deposited in the international center
23 endowment fund on July 1, 1995, is no longer required
24 under this section. If, on or after July 1, 1998, the
25 general assembly appropriates moneys for the
26 international center endowment fund in an aggregate
27 amount equal to six hundred seventy-five thousand
28 dollars, the transfer of interest earned based upon
29 the cumulative value of cash contributions equal to
30 one million three hundred fifty thousand dollars
31 deposited in the international center endowment fund
32 between July 1, 1995, and June 30, 1998, is no longer
33 required under this section.

34 4. In addition to the moneys transferred pursuant
35 to subsection 3, paragraph "a", effective on the date
36 on which the cumulative total value of cash
37 contributions deposited in the international center
38 endowment fund between July 1, 1995, and June 30,
39 1998, equals or exceeds one million three hundred
40 fifty thousand dollars, and annually thereafter, the
41 treasurer of state shall transfer moneys from the
42 interest for Iowa schools fund to the international
43 center endowment fund in an amount equal to the
44 interest earned on six hundred seventy-five thousand
45 dollars in the permanent school fund.

46 Sec. 24. Section 260C.2, Code 1995, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 2A. "Instructional cost center"
49 means one of the following areas of course offerings
50 of the community colleges:

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- 1 a. Arts and sciences cost center.
- 2 b. Vocational-technical preparatory cost center.
- 3 c. Vocational-technical supplementary cost center.
- 4 d. Adult basic education and high school
- 5 completion cost center.

6 e. Continuing and general education cost center.
7 Sec. 25. Section 260C.4, subsection 4, paragraph

8 h, Code 1995, is amended to read as follows:

9 h. This subsection is void and shall be stricken
10 from the Code effective June 30, ~~1995~~ 1998, except as
11 provided in section 260C.47.

12 Sec. 26. Section 260C.14, Code 1995, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 22. Provide, within a reasonable
15 time, information as requested by the departments of
16 management and education.

17 Sec. 27. Section 260C.18, subsection 4, Code 1995,
18 is amended to read as follows:

19 4. State aid and supplemental state aid to be paid
20 in accordance with the statutes which provide such
21 aid.

22 Sec. 28. NEW SECTION. 260C.18A STATE AID.

23 For the fiscal year beginning July 1, 1996, and for
24 each succeeding fiscal year, moneys appropriated by
25 the general assembly from the general fund of the
26 state to the department of education for community
27 college purposes for general state financial aid,
28 including general financial aid to merged areas in
29 lieu of personal property tax replacement payments
30 under section 427A.13, to merged areas as defined in
31 section 260C.2, and for vocational education programs
32 in accordance with chapters 258 and 260C, for a fiscal
33 year, shall be allocated to each community college by
34 the department of education in the proportion that the
35 allocation to that community college in 1995 Iowa
36 Acts, chapter 218, section 1, subsection 19, bears to
37 the total appropriation made in 1995 Iowa Acts,
38 chapter 218, section 1, subsection 19.

39 Sec. 29. NEW SECTION. 260C.18B COMMUNITY COLLEGE
40 BUDGET REVIEW.

41 1. A community college budget review procedure is
42 established for the school budget review committee
43 created in section 257.30. The school budget review
44 committee, in addition to its duties under chapter
45 257, shall meet and hold hearings each year under this
46 chapter to review unusual circumstances of community
47 colleges, either upon the committee's motion or upon
48 the request of a community college. The committee may
49 grant supplemental state aid to the community college
50 from funds appropriated to the department of education

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- 1 for community college budget review purposes.
2 Unusual circumstances shall include but not be
3 limited to the following:
4 a. An unusual increase or decrease in enrollment
5 or contact hours.
6 b. Natural disasters.
7 c. Unusual staffing problems.
8 d. Unusual necessity for additional funds to
9 permit continuance of a course or program in an
10 instructional cost center which provides substantial
11 benefit to students.
12 e. Unusual need for a new course or program in an
13 instructional cost center which will provide
14 substantial benefit to students, if the community
15 college establishes the need and the amount of
16 necessary increased cost.
17 f. Unique problems of community colleges to
18 include vandalism, civil disobedience, and other costs
19 incurred by community colleges.
- 20 2. When the school budget review committee makes a
21 decision under subsection 1, it shall provide written
22 notice of its decision, including the amount of
23 supplemental state aid approved, to the board of
24 directors of the community college and to the
25 department of education.
- 26 3. All decisions by the school budget review
27 committee under this chapter shall be made in
28 accordance with reasonable and uniform policies which
29 shall be consistent with this chapter.
- 30 4. Failure by a community college to provide
31 information or appear before the school budget review
32 committee as requested for the accomplishment of
33 review or hearing constitutes justification for the
34 committee to instruct the department of revenue and
35 finance to withhold supplemental state aid to that
36 community college until the committee's inquiries are
37 satisfied completely.
- 38 Sec. 30. Section 260C.22, Code 1995, is amended by
39 adding the following new subsection:
40 NEW SUBSECTION. 4. The board of directors of any
41 merged area that failed to certify for levy under
42 subsection 3 by March 15, 1982, and March 15, 1983,
43 may certify for levy by April 15, 1997, and April 15,
44 1998, a tax on taxable property in the merged area at
45 rates that will provide total revenues for the two
46 years equal to five percent of the area school's
47 general fund expenditures for the fiscal year ending
48 June 30, 1995, in order to provide a cash reserve for
49 that area school. As nearly as possible, one-half the
50 revenue for the cash reserve fund shall be collected

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1 during each year.

2 The revenues derived from the levies shall be
3 placed in a separate cash reserve fund.

4 Notwithstanding subsection 3, moneys from the cash
5 reserve fund established by a merged area under
6 subsection 3 or this subsection shall be used only to
7 alleviate temporary cash shortages and for the
8 acquisition, lease, lease-purchase, installation, and
9 maintenance of instructional technology equipment,
10 including hardware and software, materials and
11 supplies, and staff development and training related
12 to instructional technology. If moneys from the cash
13 reserve fund are used to alleviate a temporary cash
14 shortage, the cash reserve fund shall be reimbursed
15 immediately from the general fund of the community
16 college as funds in the general fund become available,
17 but in no case later than June 30 of the current
18 fiscal year, to repay the funds taken from the cash-
19 reserve fund.

20 Sec. 31. Section 260C.29, subsection 3, Code
21 Supplement 1995, is amended by adding the following
22 new paragraphs:

23 NEW PARAGRAPH. f. Contract with other community
24 colleges to expand the availability of program
25 services and increase the number of students served by
26 the program.

27 NEW PARAGRAPH. g. Establish a separate account,
28 which shall consist of all appropriations, grants,
29 contributions, bequests, endowments, or other moneys
30 or gifts received specifically for purposes of the
31 program by the community college administering the
32 program as provided in subsection 2. Not less than
33 eighty percent of the funds received from state
34 appropriations for purposes of the program shall be
35 used for purposes of assistance to students as
36 provided in subsection 5.

37 Sec. 32. Section 260C.34, Code 1995, is amended to
38 read as follows:

39 260C.34 USES OF FUNDS.

40 Funds obtained pursuant to section 260C.17; section
41 260C.18, subsections 3, 4, and 5 of section 260C.18;
42 section and sections 260C.18A, 260C.18B, 260C.19, and
43 section 260C.22 shall not be used for the construction
44 or maintenance of athletic buildings or grounds but
45 may be used for a project under section 260C.56.

46 Sec. 33. Section 260C.39, unnumbered paragraph 5,
47 Code 1995, is amended to read as follows:

48 The terms of employment of personnel, for the
49 academic year following the effective date of the
50 agreement to combine the merged areas shall not be

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1 affected by the combination of the merged areas,
2 except in accordance with the procedures under
3 sections 279.15 to 279.18 and section 279.24, to the
4 extent those procedures are applicable, or under the
5 terms of the base bargaining agreement. The authority
6 and responsibility to offer new contracts or to
7 continue, modify, or terminate existing contracts
8 pursuant to any applicable procedures under chapter
9 279, shall be transferred to the acting, and then to
10 the new, board of the combined merged area upon
11 certification of a favorable vote to each of the
12 merged areas affected by the agreement. The
13 collective bargaining agreement of the merged area
14 ~~with the largest number of contact hours eligible for~~
15 receiving the greatest amount of general state aid, as
16 ~~defined under section 260D.2,~~ shall serve as the base
17 agreement for the combined merged area and the
18 employees of the merged areas which combined to form
19 the new combined merged area shall automatically be
20 accreted to the bargaining unit from that former
21 merged area for purposes of negotiating the contracts
22 for the following years without further action by the
23 public employment relations board. If only one
24 collective bargaining agreement is in effect among the
25 merged areas which are combining under this section,
26 then that agreement shall serve as the base agreement,
27 and the employees of the merged areas which are
28 combining to form the new combined merged area shall
29 automatically be accreted to the bargaining unit of
30 that former merged area for purposes of negotiating
31 the contracts for the following years without further
32 action by the public employment relations board. The
33 board of the combined merged area, using the base
34 agreement as its existing contract, shall bargain with
35 the combined employees of the merged areas that have
36 agreed to combine for the academic year beginning with
37 the effective date of the agreement to combine merged
38 areas. The bargaining shall be completed by March 15
39 prior to the academic year in which the agreement to
40 combine merged areas becomes effective or within one
41 hundred eighty days after the organization of the
42 acting board of the new combined merged area,
43 whichever is later. If a bargaining agreement was
44 already concluded in the former merged area which has
45 the collective bargaining agreement that is serving as
46 the base agreement for the new combined merged area,
47 between the former merged area board and the employees
48 of the former merged area, that agreement is void,
49 unless the agreement contained multiyear provisions
50 affecting academic years subsequent to the effective

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1 date of the agreement to form a combined merged area.
2 If the base collective bargaining agreement contains
3 multiyear provisions, the duration and effect of the
4 agreement shall be controlled by the terms of the
5 agreement. The provisions of the base agreement shall
6 apply to the offering of new contracts, or the
7 continuation, modification, or termination of existing
8 contracts between the acting or new board of the
9 combined merged area and the combined employees of the
10 new combined merged area.

11 Sec. 34. Section 260C.47, subsection 1, unnumbered
12 paragraph 1, Code 1995, is amended to read as follows:

13 The state board of education shall establish an
14 accreditation process for community college programs
15 by July 1, ~~1994~~ 1997. The process shall be jointly
16 developed and agreed upon by the department of
17 education and the community colleges. The state
18 accreditation process shall be integrated with the
19 accreditation process of the north central association
20 of colleges and schools, including the evaluation
21 cycle, the self-study process, and the criteria for
22 evaluation, which shall incorporate the standards for
23 community colleges developed under section 260C.48;
24 and shall identify and make provision for the needs of
25 the state that are not met by the association's
26 accreditation process. If a joint agreement has not
27 been reached by July 1, ~~1994~~ 1997, the approval
28 process provided under section 260C.4, subsection 4,
29 shall remain the required accreditation process for
30 community colleges. For the academic year commencing
31 July 1, ~~1995~~ 1998, and in succeeding school years, the
32 department of education shall use a two-component
33 process for the continued accreditation of community
34 college programs.

35 Sec. 35. NEW SECTION. 260C.49 RULES.

36 The department of education shall adopt rules and
37 definitions of terms necessary for the administration
38 of this chapter. The school budget review committee
39 shall adopt rules under chapter 17A to carry out
40 section 260C.18B.

41 Sec. 36. Section 261.12, subsection 1, paragraph
42 b, Code Supplement 1995, is amended to read as
43 follows:

44 b. For the fiscal year beginning July 1, ~~1995~~
45 1996, and for each following fiscal year, ~~two~~ three
46 thousand ~~nine~~ one hundred ~~fifty~~ dollars.

47 Sec. 37. NEW SECTION. 261.21 NATIONAL GUARD
48 TUITION AID PROGRAM.

49 1. Subject to an appropriation of sufficient funds
50 by the general assembly, a member of the national

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1 guard who meets the eligibility requirements of this
2 subsection is entitled to attend and pursue any
3 undergraduate course of study at a community college
4 as defined in chapter 260C, or an institution of
5 higher learning under the control of the state board
6 of regents upon the payment by the member personally
7 of fifty percent of the tuition charged by the
8 community college or institution of higher learning.
9 The remaining tuition shall be paid by the college
10 student aid commission from funds appropriated by the
11 general assembly. To be eligible for tuition aid
12 under this section, a national guard member shall meet
13 the following conditions:

14 a. Be a resident of the state and a member of an
15 Iowa army or air national guard unit throughout each
16 semester or duration of the vocational program for
17 which the member has applied for benefits.

18 b. Have satisfactorily completed required initial
19 active duty training.

20 c. Have maintained satisfactory performance of
21 duty upon return from initial active duty training,
22 including attending a minimum ninety percent of
23 scheduled drill dates and attending annual training.

24 d. Have satisfactorily met the entrance
25 requirements for admission to a community college, or
26 institution of higher learning under the control of
27 the state board of regents, and maintain satisfactory
28 academic progress.

29 e. Have provided proper notice of national guard
30 status to the community college or institution at the
31 time of registration for the term in which tuition
32 benefits are sought.

33 f. Apply to the adjutant general of Iowa, who
34 shall determine eligibility and whose decision is
35 final.

36 2. Participation in the tuition aid program by an
37 accredited private institution, as defined in section
38 261.9, is voluntary. Subject to an appropriation of
39 sufficient funds by the general assembly, a member of
40 the Iowa national guard who meets the eligibility
41 requirements of subsection 1, except for subsection 1,
42 paragraph "d", is entitled to attend and pursue any
43 undergraduate course of study at any participating
44 accredited private institution, as defined in section
45 261.9, upon admission to the institution and payment
46 of tuition less an amount equal to fifty percent of
47 the resident tuition rate established for institutions
48 of higher learning under the control of the state
49 board of regents. The remaining tuition, not to
50 exceed fifty percent of the resident tuition rate for

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1 a regents university, shall be paid by the college
2 student aid commission from funds appropriated by the
3 general assembly.

4 3. An eligible member of the national guard,
5 attending an educational institution as a full-time
6 student, shall not receive tuition aid under this
7 section for more than eight semesters, or if attending
8 as a part-time student, not more than sixteen
9 semesters of undergraduate study, or the trimester or
10 quarter equivalent. A guard member who has met the
11 educational requirements for a baccalaureate degree is
12 ineligible for tuition aid under this section.

13 4. The eligibility of applicants shall be
14 certified by the adjutant general of Iowa to the
15 college student aid commission, and all amounts that
16 are or become due to a community college, accredited
17 private institution, or institution of higher learning
18 under the control of the state board of regents under
19 this section shall be paid to the college or
20 institution by the college student aid commission upon
21 receipt of certification by the president or governing
22 board of the educational institution as to accuracy of
23 charges made, and as to the attendance of the
24 individual at the educational institution. The
25 college student aid commission shall maintain an
26 annual record of the number of participants and the
27 tuition dollar value of the participation.

28 5. The college student aid commission shall adopt
29 rules pursuant to chapter 17A to administer this
30 section.

31 Sec. 38. Section 261.25, subsections 1 and 3, Code
32 Supplement 1995, are amended to read as follows:

33 1. There is appropriated from the general fund of
34 the state to the commission for each fiscal year the
35 sum of ~~thirty-five~~ thirty-eight million six hundred
36 sixty-four thousand seven hundred fifty dollars for
37 tuition grants.

38 3. There is appropriated from the general fund of
39 the state to the commission for each fiscal year the
40 sum of one million ~~four~~ six hundred ~~twenty-four~~ eight
41 thousand ~~seven~~ two hundred ~~eighty~~ fifty-seven dollars
42 for vocational-technical tuition grants.

43 Sec. 39. Section 261.48, unnumbered paragraph 4,
44 Code 1995, is amended by striking the unnumbered
45 paragraph.

46 Sec. 40. Section 261C.6, subsection 2, unnumbered
47 paragraph 2, Code 1995, is amended to read as follows:

48 A pupil is not eligible to enroll on a full-time
49 basis in an eligible postsecondary institution and
50 receive payment for all courses in which a student is

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1 enrolled. ~~If an eligible postsecondary institution is~~
2 ~~a community college established under chapter 260C,~~
3 ~~the contact hours of a pupil for which a tuition~~
4 ~~reimbursement amount is received are not contact hours~~
5 ~~eligible for general aid under chapter 260D.~~

6 Sec. 41. Section 262.9, subsection 4, unnumbered
7 paragraph 1, Code Supplement 1995, is amended to read
8 as follows:

9 Manage and control the property, both real and
10 personal, belonging to the institutions. The board
11 shall purchase or require the purchase of, when the
12 price is reasonably competitive and the quality as
13 intended, ~~and in keeping with the schedule established~~
14 ~~in this subsection, soybean-based inks and plastic~~
15 ~~products with recycled content, including but not~~
16 ~~limited to plastic garbage can liners. For purposes~~
17 ~~of this subsection, "recycled content" means that the~~
18 ~~content of the product contains a minimum of thirty~~
19 ~~percent postconsumer material. All inks purchased~~
20 ~~that are used internally or are contracted for by the~~
21 ~~board shall be soybean-based to the extent~~
22 formulations for such inks are available.

23 Sec. 42. Section 262.9, subsection 4, paragraphs
24 a, b, and c, Code Supplement 1995, are amended by
25 striking the paragraphs.

26 Sec. 43. Section 262.9, subsection 10, Code
27 Supplement 1995, is amended by striking the
28 subsection.

29 Sec. 44. Section 262.9, Code Supplement 1995, is
30 amended by adding the following new subsection:
31 NEW SUBSECTION. 30. By January 1 annually, submit
32 a report to the general assembly and the legislative
33 fiscal bureau on the facilities overhead use allowance
34 and the amount of building and equipment use
35 allowances of the overall indirect cost recovery on
36 federally sponsored research programs. The report
37 shall include the individual institutional policies of
38 distribution of the federal facilities overhead use
39 allowance within each institution of higher learning
40 under the control of the board, and shall be in a
41 format agreed to by the board and the legislative
42 fiscal bureau.

43 Sec. 45. Section 262.34A, Code 1995, is amended to
44 read as follows:

45 **262.34A BID REQUESTS.**

46 The state board of regents shall request bids and
47 proposals for materials, products, supplies,
48 provisions, and other needed articles to be purchased
49 at public expense, from Iowa state industries as
50 defined in section 904.802, subsection 2, when the

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1 articles are available in the requested quantity and
2 at comparable prices and quality. The exceptions
3 provided under section 904.808, subsection 1, shall
4 not apply to the state board of regents.

5 Sec. 46. Section 272.2, subsection 15, if enacted
6 by 1996 Iowa Acts, House File 455, is amended to read
7 as follows:

8 15. Adopt rules that require specificity in
9 written complaints that are filed by individuals who
10 have personal knowledge of an alleged violation and
11 which are accepted by the board, provide that the
12 jurisdictional requirements as set by the board in
13 administrative rule are met on the face of the
14 complaint before initiating an investigation of
15 allegations, provide that before initiating an
16 investigation of allegations, provide that any
17 investigation be limited to the allegations contained
18 on the face of the complaint, provide for an adequate
19 interval between the receipt of a complaint and public
20 notice of the complaint, permit parties to a complaint
21 to mutually agree to a resolution of the complaint
22 filed with the board, allow the respondent the right
23 to review any investigative report for accuracy with
24 its author prior to the submission of the report to
25 upon a finding of probable cause for further action by
26 the board, require that the conduct providing the
27 basis for the complaint occurred within three years of
28 the filing discovery of the complaint event by the
29 complainant unless good cause can be shown for an
30 extension of this limitation, and require complaints
31 to be resolved within one hundred eighty days unless
32 good cause can be shown for an extension of this
33 limitation.

34 Sec. 47. Section 273.3, subsection 12, Code 1995,
35 is amended to read as follows:

36 12. Prepare an annual budget estimating income and
37 expenditures for programs and services as provided in
38 sections 273.1 to 273.9 and chapter 256B within the
39 limits of funds provided under section 256B.9 and
40 chapter 257. The board shall give notice of a public
41 hearing on the proposed budget by publication in an
42 official county newspaper in each county in the
43 territory of the area education agency in which the
44 principal place of business of a school district that
45 is a part of the area education agency is located.
46 The notice shall specify the date, which shall be not
47 later than March 1 of each year, the time, and the
48 location of the public hearing. The proposed budget
49 as approved by the board shall then be submitted to
50 the state board of education, on forms provided by the

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1 department, no later than March 15 preceding the next
2 fiscal year for approval. The state board shall
3 review the proposed budget of each area education
4 agency and shall before April 1, either grant approval
5 or return the budget without approval with comments of
6 the state board included. An unapproved budget shall
7 be resubmitted to the state board for final approval
8 not later than April 15. For the fiscal year
9 beginning July 1, 1999, and each succeeding fiscal
10 year, the state board shall give final approval only
11 to budgets submitted by area education agencies
12 accredited by the state board or that have been given
13 conditional accreditation by the state board.

14 Sec. 48. Section 273.3, Code 1995, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 22. Meet annually with the
17 members of the boards of directors of the school
18 districts located within its boundaries if requested
19 by the school district boards.

20 Sec. 49. NEW SECTION. 273.10 ACCREDITATION OF
21 AREA EDUCATION PROGRAMS.

22 1. The department of education shall develop, in
23 consultation with the area education agencies, and
24 establish an accreditation process for area education
25 agencies by July 1, 1997. At a minimum, the
26 accreditation process shall consist of the following:

27 a. The timely submission by an area education
28 agency of information required by the department on
29 forms provided by the department.

30 b. The use of an accreditation team appointed by
31 the director of the department of education to conduct
32 an evaluation, including an on-site visit of each area
33 education agency. The team shall include, but is not
34 limited to, department staff members, representatives
35 from the school districts served by the area education
36 agency being evaluated, area education agency staff
37 members from area education agencies other than the
38 area education agency that conducts the programs being
39 evaluated for accreditation, and other team members
40 with expertise as deemed appropriate by the director.

41 2. Prior to a visit to an area education agency,
42 the accreditation team shall have access to that area
43 education agency's program audit report filed with the
44 department. After a visit to an area education
45 agency, the accreditation team shall determine whether
46 the accreditation standards for a program have been
47 met and shall make a report to the director and the
48 state board, together with a recommendation as to
49 whether the programs of the area education agency
50 should receive initial accreditation or remain

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1 accredited. The accreditation team shall report
2 strengths and weaknesses, if any, for each
3 accreditation standard and shall advise the area
4 education agency of available resources and technical
5 assistance to further enhance the strengths and
6 improve areas of weakness. An area education agency
7 may respond to the accreditation team's report.

8 3. The state board of education shall determine
9 whether a program of an area education agency shall
10 receive initial accreditation or shall remain
11 accredited. Approval of area education agency
12 programs by the state board shall be based upon the
13 recommendation of the director of the department of
14 education after a study of the factual and evaluative
15 evidence on record about each area education agency
16 program in terms of the accreditation standards
17 adopted by the state board.

18 Approval, if granted, shall be for a term of three
19 years. However, the state board may grant conditional
20 approval for a term of less than three years if
21 conditions warrant.

22 4. If the state board of education determines that
23 an area education agency's program does not meet
24 accreditation standards, the director of the
25 department of education, in cooperation with the board
26 of directors of the area education agency, shall
27 establish a remediation plan prescribing the
28 procedures that must be taken to correct deficiencies
29 in meeting the program standards, and shall establish
30 a deadline date for correction of the deficiencies.
31 The remediation plan is subject to the approval of the
32 state board.

33 5. The area education agency program shall remain
34 accredited during the implementation of the
35 remediation plan. The accreditation team shall visit
36 the area education agency and shall determine whether
37 the deficiencies in the standards for the program have
38 been corrected and shall make a report and
39 recommendation to the director and the state board of
40 education. The state board shall review the report
41 and recommendation and shall determine whether the
42 deficiencies in the program have been corrected.

43 6. If the deficiencies in an area education
44 program have not been corrected, the agency board
45 shall take one of the following actions within sixty
46 days from removal of accreditation:

47 a. Merge the deficient program with a program from
48 another accredited area education agency.

49 b. Contract with another area education agency or
50 other public educational institution for purposes of

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1 program delivery.

2 The rules developed by the state board of education
3 for the accreditation process shall include provisions
4 for removal of accreditation, including provisions for
5 proper notice to the administrator of the area
6 education agency, each member of the board of
7 directors of the area education agency, and the
8 superintendents and administrators of the schools of
9 the districts served by the area education agency.

10 Sec. 50. NEW SECTION. 273.11 STANDARDS FOR
11 ACCREDITING AREA EDUCATION PROGRAMS.

12 1. The state board of education shall develop
13 standards and rules for the accreditation of area
14 education agencies by July 1, 1997. Standards shall
15 be general in nature, but at a minimum shall identify
16 requirements addressing the services provided by each
17 division, as well as identifying indicators of quality
18 that will permit area education agencies, school
19 districts, the department of education, and the
20 general public to judge accurately the effectiveness
21 of area education agency services.

22 2. Standards developed shall include, but are not
23 limited to, the following:

24 a. Support for school-community planning,
25 including a means of assessing needs, establishing
26 shared direction and implementing program plans and
27 reporting progress.

28 b. Professional development programs that respond
29 to current needs.

30 c. Support for curriculum development,
31 instruction, and assessment for reading, language
32 arts, math and science, using research-based
33 methodologies.

34 d. Special education compliance and support.

35 e. Management services, including financial
36 reporting and purchasing as requested and funded by
37 local districts.

38 f. Support for instructional media services that
39 supplement and support local district media centers
40 and services.

41 g. Support for school technology planning and
42 staff development for implementing instructional
43 technologies.

44 h. A program and services evaluation and reporting
45 system.

46 Sec. 51. Section 282.4, subsection 3, Code
47 Supplement 1995, is amended to read as follows:

48 3. Notwithstanding section 282.6, if a student has
49 been expelled or suspended from school and has not met
50 the conditions of the expulsion or suspension and-if

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1 ~~the student, or the parent or guardian of the student,~~
2 ~~changes district of residence, the student shall not~~
3 ~~be enrolled~~ permitted to enroll in the new a school
4 ~~district of residence~~ until the board of directors of
5 the new school district of residence approves, by a
6 majority vote, the enrollment of the student.

7 Sec. 52. Section 282.5, Code Supplement 1995, is
8 amended to read as follows:

9 282.5 READMISSION OF STUDENT.

10 When a student is suspended by a teacher,
11 principal, or superintendent, pursuant to section
12 282.4, the student may be readmitted by the teacher,
13 principal, or superintendent when the conditions of
14 the suspension have been met, but when expelled by the
15 board the student may be readmitted only by the board
16 or in the manner prescribed by the board.

17 Sec. 53. Section 294A.25, subsections 7 and 8,
18 Code Supplement 1995, are amended to read as follows:

19 7. Commencing with the fiscal year beginning July
20 1, ~~1993 1996~~, the amount of fifty thousand dollars for
21 geography alliance, ~~seventy thousand dollars for~~
22 ~~gifted and talented~~, and one hundred eighty thousand
23 dollars for a management information system from
24 additional funds transferred from phase I to phase
25 III.

26 8. For the fiscal year beginning July 1, ~~1995~~
27 1996, and ending June 30, 1997, to the department of
28 education from phase III moneys the amount of one
29 million two hundred fifty thousand dollars for support
30 for the operations of the new Iowa schools development
31 corporation and for school transformation design and
32 implementation projects administered by the
33 corporation. Of the amount provided in this
34 subsection, one hundred fifty thousand dollars shall
35 be used for the school and community planning
36 initiative.

37 Sec. 54. Section 298.9, Code Supplement 1995, is
38 amended to read as follows:

39 298.9 SPECIAL LEVIES.

40 If the voter-approved physical plant and equipment
41 levy, consisting solely of a physical plant and
42 equipment property tax levy, is voted at a special
43 election and certified to the board of supervisors
44 after the regular levy is made, the board shall at its
45 next regular meeting levy the tax and cause it to be
46 entered upon the tax list to be collected as other
47 school taxes. If the certification is filed prior to
48 ~~April~~ May 1, the annual levy shall begin with the tax
49 levy of the year of filing. If the certification is
50 filed after ~~April~~ May 1 in a year, the levy shall

1 begin with the levy of the fiscal year succeeding the
 2 year of the filing of the certification.
 3 Sec. 55. FUNDS TRANSFERRED. For the fiscal year
 4 beginning July 1, 1996, and ending June 30, 1997, the
 5 following amounts for the purposes designated shall be
 6 paid to the department of education from additional
 7 funds transferred from phase I to phase III:

8	1. For support of the Iowa mathematics and science		
9	coalition:		
10	.....	\$	50,000
11	2. For purposes of the Iowa law and school safety		
12	project:		
13	.....	\$	75,000
14	3. For supplemental funds for a management		
15	information system:		
16	.....	\$	120,000

17 If funds available are insufficient to fully fund
 18 the appropriation for a management information system
 19 under this section, the amount distributed for the
 20 management information system shall be reduced to an
 21 amount equal to the available funds.

22 Sec. 56. 1996 Iowa Acts, Senate File 2080, section
 23 70, subsection 1, is amended to read as follows:

24 1. Sections ~~260C.24~~ and Section 303.18, Code
 25 Supplement 1995, are is repealed.

26 Sec. 57. 1996 Iowa Acts, Senate File 2080, section
 27 16, is repealed.

28 Sec. 58. REPEAL - DIRECTION TO CODE EDITOR.
 29 Section 260C.18A, as enacted in this Act, is repealed
 30 effective July 1, 1997. The Code editor shall strike
 31 the reference to section 260C.18A in section 260C.34
 32 effective July 1, 1997.

33 Sec. 59. REPEAL.

34 1. Sections 225.34, 261.45, 261.52A, and 294.15,
 35 Code 1995, are repealed.

36 2. Chapter 260D, Code and Code Supplement 1995, is
 37 repealed.

38 Sec. 60. EFFECTIVE DATE. The unnumbered paragraph
 39 relating to the creation of a dental hygienist program
 40 provided for in section 6, subsection 15, of this Act,
 41 being deemed of immediate importance, takes effect
 42 upon enactment.

43 Sec. 61. EFFECTIVE AND RETROACTIVE APPLICABILITY
 44 DATES. The sections of this Act which amend section
 45 260C.4, subsection 4, paragraph "h", and section
 46 260C.47, subsection 1, unnumbered paragraph 1, being
 47 deemed of immediate importance, take effect upon
 48 enactment and apply retroactively to June 30, 1994.

49 Sec. 62. Sections 3, 8, and 16 of this Act and
 50 section 59, subsection 2, of this Act, being deemed of

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1 immediate importance, take effect upon enactment.”

Amendment H-6057 was adopted.

On motion by Grundberg of Polk, the House concurred in the Senate amendment H-5522, as amended.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie and Eddie of Buena Vista, both on request of Siegrist of Pottawattamie; Holveck of Polk and Mertz of Kossuth, both on request of Schrader of Marion, all until their return.

Grundberg of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2477)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Boguess	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Blodgett
Holveck

Boddicker
Mertz

Dinkla
Myers

Eddie
Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2477** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2486)

Sukup of Franklin called up for consideration the report of the conference committee on House File 2486 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2486

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2486, a bill for An Act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6032.
2. That House File 2486, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 13, line 24, by striking the figure "8,306,132" and inserting the following: "8,633,742".

2. Page 24, by inserting after line 22 the following:

"Sec. __. CULTURAL AFFAIRS - FEDERAL ACTIONS. The department of management shall conduct a review of federal actions concerning the level of funding and policies relating to the arts and to cultural affairs and the anticipated effects of the federal actions upon the department of cultural affairs and the department of cultural affairs' programs. Based upon the anticipated effects, the department of management shall examine the functions and programs of the department of cultural affairs and make recommendations to the governor and the general assembly as to options for restructuring the department of cultural affairs' programs. The recommendations shall be submitted to the governor and the general assembly prior to the convening of the Seventy-seventh General Assembly.

Sec. __. WELFARE REFORM BLOCK GRANT.

1. Notwithstanding contrary provisions of section 8.41, subsection 3, as enacted in 1996 Iowa Acts, House File 2256, the provisions of this section shall apply if all of the following conditions are met:

a. The provisions of this section shall apply only to programs, funding, and policies of the family investment program and the job opportunities and basic skills (JOBS) program.

b. Federal law creating a welfare reform block grant is enacted which provides for optional early implementation dates which precede the convening of the Seventy-seventh General Assembly.

c. The department of human services determines early implementation of the federal block grant provisions is advantageous to Iowa. All of the following requirements shall apply in order for the department to make such a determination:

(1) Early implementation will result in additional federal funding for the family investment program or the JOBS program.

(2) The early implementation of the block grant provisions will not disadvantage any applicant or recipient of assistance under the family investment program by resulting in reduced benefits, terminated eligibility, or denied eligibility to the extent those conditions would not have resulted under Iowa's welfare reform provisions in effect prior to the early implementation of the federal block grant provisions. The department may satisfy this requirement by using one hundred percent state funds to offset any disadvantage to an applicant or recipient for services eligible for federal financial participation prior to the early implementation of the federal block grant provisions if the increase in state funds used does not exceed any additional federal funding received under the block grant.

(3) The department can reasonably make computer system and procedural changes necessary to implement the provisions within any federally mandated time frames as necessary to qualify for early implementation of the federal block grant provisions.

(4) The state will not incur any excessive financial risks with early implementation of the federal block grant provisions.

2. If the federal legislation described is enacted, the department shall seek input from the individuals of the work group which considered the state human investment policy or a successor interagency task force which makes recommendations to the department concerning the family investment program.

3. If all of the conditions of subsections 1 and 2 are met, the department may take steps to notify the United States department of health and human services, or some other such entity as designated in the federal legislation, that the state of Iowa is opting for early implementation of the federal welfare reform block grant provisions. If the department takes steps to elect early implementation of the federal block grant provisions, the department shall notify the fiscal committee of the legislative council, the legislative fiscal bureau, the chairpersons and ranking members of the senate and house committees on human resources, and the chairpersons and ranking members of the senate and house appropriations subcommittee on human services of all of the following:

a. The findings that the conditions in subsection 1 are met.

b. The notice to the federal government of electing early implementation of the block grant provisions.

c. Fiscal impacts of electing early implementation of the block grant provisions.

4. If allowed by federal law, the department may discontinue the provisions for control groups as required by the federal government and apply welfare reform policies to all applicants and recipients of assistance in the family investment program equally. The department shall make notifications similar to those required in subsection 3 of any decision to continue or discontinue control groups.

5. The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this section and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this subsection shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provisions of this subsection shall also be published as notice of intended action as provided in section 17A.4.

Sec. __. FEDERAL FUNDING STUDY. The legislative council is requested to provide for a review during the 1996 legislative interim of issues associated with federal funding and federal block grants. Issues considered may include but are not limited to all of the following:

1. Methods for the general assembly to provide greater oversight.
2. Methods for appropriations subcommittees to effectively incorporate planning for federal funding and grants into budget deliberations.
3. An analysis of the impact of federal funding and grants and their associated federal requirements upon the effectiveness and efficiency of the state and local government agencies administering the federal funding and grants.
4. Methods for analysis of the cash flows associated with federal funding and grants, including variations between state and federal fiscal years, and the multiple year commitment of federal funding known as "forward funding."
5. Policy analysis tools for use in addressing new and revised federal block grants and federal funding."
3. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE

STEVE SUKUP, Chair
BOB BRUNKHORST
JANET METCALF

ON THE PART OF THE SENATE

TOM FLYNN, Chair
BRAD BANKS
H. KAY HEDGE
MARY NEUHAUSER

Roll call was requested by Murphy of Dubuque and Schrader of Marion.

On the question "Shall the conference committee report be adopted?"
(H.F. 2486)

The ayes were, 64:

Arnold	Baker	Bogges	Bradley
Brammer	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Disney
Drake	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 28:

Bell	Bernau	Brand	Burnett
Cohoon	Connors	Doderer	Drees
Fallon	Harper	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Moreland	Mundie	Murphy
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Taylor	Warnstadt	Weigel

Absent or not voting, 8:

Blodgett	Boddicker	Dinkla	Eddie
Holveck	Mertz	Myers	Salton

The motion prevailed and the report was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2486)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake

Drees	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Blodgett	Boddicker	Dinkla	Eddie
Holveck	Mertz	Myers	Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2486** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 30, 1996, adopted the conference committee report and passed Senate File 2442, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2442)

Houser of Pottawattamie called up for consideration the report of the conference committee on Senate File 2442 and moved the adoption

of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2442

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2442, a bill for An Act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates, respectfully make the following report:

1. That the House recedes from its amendment, S-5550.

2. That Senate File 2442, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. FAMILY INVESTMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For assistance under the family investment program under chapter 239:

..... \$ 34,787,255

1. The department shall continue the special needs program under the family investment program.

2. The department may adopt administrative rules for the family investment, food stamp, and medical assistance programs to change or delete welfare reform initiatives that threaten the integrity or continuation of the program or that are not cost-effective. Prior to the adoption of rules, the department shall consult with the welfare reform council, members of the public involved in development of the policy established in the 1993 session of the Seventy-fifth General Assembly, and the chairpersons and ranking members of the human resources committees of the senate and the house of representatives.

Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For emergency assistance to families with dependent children for homeless prevention programs:

..... \$ 1,967,500

1. The emergency assistance provided for in this section shall be available beginning October 1 of the fiscal year and shall be provided only if all other publicly funded resources have been exhausted. Specifically, emergency assistance is the

program of last resort and shall not supplant assistance provided by the low-income home energy assistance program (LIHEAP), county general relief, and veterans affairs programs. The department shall establish a \$500 maximum payment, per family, in a twelve-month period. The emergency assistance includes, but is not limited to, assisting people who face eviction, potential eviction, or foreclosure, utility shutoff or fuel shortage, loss of heating energy supply or equipment, homelessness, utility or rental deposits, or other specified crisis which threatens family or living arrangements. The emergency assistance shall be available to migrant families who would otherwise meet eligibility criteria. The department may contract for the administration and delivery of the program. The program shall be terminated when funds are exhausted.

2. For the fiscal year beginning July 1, 1996, the department shall continue the process for the state to receive refunds of rent deposits for emergency assistance recipients which were paid by persons other than the state. The refunds received by the department under this subsection shall be deposited with the moneys of the appropriation made in this section and used as additional funds for the emergency assistance program. Notwithstanding section 8.33, moneys received by the department under this subsection which remain after the emergency assistance program is terminated and state moneys in the emergency assistance account which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure when the program resumes operation on October 1 in the succeeding fiscal year.

3. Of the funds appropriated in this section, \$10,000 is allocated to the community voice mail program to continue the existing program. The funds shall be made available beginning July 1, 1996.

Sec. 3. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$ 366,687,988

1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. Notwithstanding section 8.39, the department may transfer funds appropriated in this section to a separate account established in the department's case management unit for expenditures required to provide case management services for mental health, mental retardation, and developmental disabilities services under medical assistance which are jointly funded by the state and county, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes for which the funds were appropriated in this section.

3. If a medical assistance recipient is more than 17 years of age and is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement shall reimburse the department on a monthly basis for the portion of the recipient's cost of care which is not paid from federal funds.

4. a. The county of legal settlement shall be billed for 50 percent of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization in accordance with sections 249A.26 and 249A.27, and 100 percent of the nonfederal share of the cost of care for adults which is reimbursed under a federally approved home and community-based waiver that would otherwise be approved for provision in an intermediate care facility for the mentally retarded, provided under the medical assistance program. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the costs of case management provided for adults, day treatment, partial hospitalization, and the home and community-based waiver services. The case management services specified in this subsection shall be billed to a county only if the services are provided outside of a managed care contract.

b. The state shall pay the entire nonfederal share of the costs for case management services provided to persons 17 years of age and younger who are served in a medical assistance home and community-based waiver program for persons with mental retardation.

c. Medical assistance funding for case management services for eligible persons 17 years of age and younger shall also be provided to persons residing in counties with child welfare decategorization projects implemented in accordance with section 232.188, provided these projects have included these persons in their service plan and the decategorization project county is willing to provide the nonfederal share of costs.

d. When paying the necessary and legal expenses of intermediate care facilities for the mentally retarded (ICFMR), the cost payment requirements of section 222.60 shall be considered fulfilled when payment is made in accordance with the medical assistance payment rates established for ICFMRs by the department and the state or a county of legal settlement is not obligated for any amount in excess of the rates.

5. The department may adopt and implement administrative rules regarding a prepaid mental health services plan for medical assistance patients. The rules

shall include but not be limited to service provider standards, service reimbursement, and funding mechanisms. Notwithstanding the provisions of subsection 4, paragraph "a", of this section and section 249A.26, requiring counties to pay all or part of the nonfederal share of certain services provided to persons with disabilities under the medical assistance program, the state shall pay 100 percent of the nonfederal share of any services included in the plan implemented pursuant to this subsection.

6. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, Chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

7. Of the funds appropriated to the Iowa department of health for substance abuse grants, \$950,000 for the fiscal year beginning July 1, 1996, shall be transferred to the department of human services for an integrated substance abuse managed care system.

8. The department shall implement a new medical assistance home and community-based waiver for persons with physical disabilities as a means to further develop the personal assistance services program under section 225C.46. The waiver shall not be implemented in a manner which would require additional county or state funding for assistance provided to an individual served under the waiver.

9. The department may expand the drug prior authorization program to include the therapeutic class of gastrointestinal drugs known as proton pump inhibitors. The department shall not expand the requirement of drug prior authorization without prior approval of the general assembly except to require prior authorization of an equivalent of a prescription drug which is subject to prior authorization as of June 30, 1996. The department shall adopt administrative rules to implement this provision.

10. The department of human services shall expand the program to administratively pursue reimbursements for pharmacy services to include all pharmacy claims for which a recipient of medical assistance also has third-party coverage.

11. The department of human services, in consultation with the Iowa department of public health and the department of education, shall develop and implement a proposal to utilize the early and periodic screening, diagnosis, and treatment (EPSDT) funding under medical assistance, to the extent possible, to implement the screening component of the EPSDT program through the school system. The department may enter into contracts to utilize maternal and child health centers, the public health nursing program, or school nurses in implementing this provision.

12. The department shall implement the case study for outcome-based performance standards for programs serving persons with mental retardation or other developmental disabilities proposed pursuant to 1994 Iowa Acts, chapter 1170, section 56. The department shall adopt rules applicable to the programs included in the case study, request a waiver of applicable federal requirements, and take other actions deemed necessary by the department to implement the case study.

13. The department of human services shall submit a report to the general assembly on or before January 1, 1997, regarding reimbursement for teleconsultive

services provided by health care providers to recipients of medical assistance. The report shall include but is not limited to recommendations regarding the feasibility of implementation of a pilot program, including the adoption and utilization of an alternative reimbursement methodology, to determine the effect of teleconsultive services on health care quality, access, and cost.

14. A member of the joint appropriations subcommittee on human services participating during the 1996 legislative interim in a planning process for long-term care provided in nursing facilities and through alternative types of care involving a national foundation held by the department in the state, is entitled to per diem and expenses payable as a joint expense under section 2.12.

Sec. 4. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 6,811,400

1. The department shall continue to contract for drug utilization review under the medical assistance program.

2. The department shall negotiate with the department's contractor for mental health managed care under the medical assistance program to establish performance standards for successful outcomes for persons receiving services under the contract. The performance standards shall be incorporated into the contract or shall be made an addendum to the contract which is in effect as of the effective date of this subsection. The contractor's attainment of these performance standards shall be a factor in the department's decision to extend the contract in effect for managed mental health care or to initiate a new procurement process. Any future contract shall contain sanctions for failure to attain the performance standards. The provisions of section 228.5 as amended in this Act are applicable to the requirements of this subsection.

3. Any future contract entered into by the department for mental health managed care or for other services under the medical assistance program shall include a provision which requires the contractor to make public information the amount of profit realized by the contractor and the amount of funds expended by the contractor for administrative purposes under the contract.

Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For state supplementary assistance, funeral assistance, and the mental retardation waiver rent subsidy program:

..... \$ 19,190,000

1. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

2. a. If during the fiscal year beginning July 1, 1996, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-along requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. } 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this Act to ensure that federal requirements are met. The department may adopt emergency rules to implement the provisions of this subsection.

b. If during the fiscal year beginning July 1, 1996, the department projects that state supplementary assistance expenditures will exceed the amount appropriated, the department may transfer funds appropriated in this Act for medical assistance for the purposes of the state supplementary assistance program. However, funds shall only be transferred from the medical assistance appropriation if the funds transferred are projected to be in excess of the funds necessary for the medical assistance program.

3. The department may use up to \$75,000 of the funds appropriated in this section for a rent subsidy program for adult persons to whom all of the following apply:

a. Are receiving assistance under the medical assistance home and community-based services for persons with mental retardation (HCBS/MR) program.

b. Were discharged from an intermediate care facility for the mentally retarded (ICFMR) immediately prior to receiving HCBS/MR services.

The goal of the subsidy program shall be to encourage and assist in enabling persons who currently reside in an ICFMR to move to a community living arrangement. An eligible person may receive assistance in meeting their rental expense and, in the initial two months of eligibility, in purchasing necessary household furnishings and supplies. The program shall be implemented so that it does not meet the federal definition of state supplementary assistance and will not impact the federal pass-along requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. } 1382g.

Sec. 6. CHILD DAY CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For protective child day care assistance and state child care assistance:

..... \$ 12,547,100

1. Of the funds appropriated in this section, \$2,496,286 shall be used for protective child day care assistance.

2. Of the funds appropriated in this section, \$8,180,889 shall be used for state child care assistance.

3. For the purposes of this subsection, the term "poverty level" means the poverty level defined by the poverty income guidelines published by the United States department of health and human services. Based upon the availability of the funding provided in subsection 2 the department shall establish waiting lists for state child care assistance in descending order of prioritization as follows:

a. Families with an income at or below 100 percent of the federal poverty level whose members are employed at least 30 hours per week, and parents with a family income at or below 100 percent of the federal poverty level who are under the age of 21 and are participating in an educational program leading to a high school diploma or equivalent.

b. Parents with a family income at or below 100 percent of the federal poverty level who are under the age of 21 and are participating, at a satisfactory level, in an approved training program or in an educational program.

c. Families with an income of more than 100 percent but not more than 110 percent of the federal poverty level whose members are employed at least 30 hours per week. Assistance provided to families pursuant to this paragraph shall be provided in accordance with a sliding fee scale developed by the department. If, pursuant to an evaluation of expenditures for state child care assistance it is determined that sufficient funding is available, the department shall implement the provisions of this paragraph on or before January 2, 1997.

d. Families with an income at or below 155 percent of the federal poverty level with a special needs child as a member of the family.

e. Families with an income at or below 100 percent of the federal poverty level whose members are employed part-time at least 20 hours per week.

The department may adopt emergency rules to implement the provisions of this subsection.

4. a. Migrant seasonal farm worker families whose family income is equal to or less than 100 percent of the United States office of management and budget poverty guidelines are eligible for state child care assistance. The monthly family income shall be determined by calculating the total amount of family income earned during the 12-month period preceding the date of application for the assistance and dividing the total amount by 12.

b. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the requirements of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

5. If the department projects that funding for state child care assistance is reasonably adequate to fund the provisions of subsection 3, paragraphs "a", "b", and "c", the department may transfer not more than \$200,000 of the funding appropriated in this section to the appropriation in this Act for child and family services to provide additional funding for familycentered services.

6. Of the funds appropriated in this section, \$636,641 is allocated for the statewide program for child day care resource and referral services under section 237A.26.

7. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child day care assistance and related programs.

8. Of the funds appropriated in this section, \$1,178,284 is allocated for transitional child care assistance.

9. During the 1996-1997 fiscal year, the department shall utilize the moneys deposited in the child day care credit fund created in section 237A.28 for state child care assistance, in addition to the moneys allocated for that purpose in this section.

10. Of the funds appropriated in this section, the department shall expend not more than \$20,000 to develop a system in cooperation with child day care resource and referral services under section 237A.26, in which volunteer evaluation teams are utilized to review and inspect registered family day care homes on behalf of the department. The department shall also review requirements for payment of publicly funded child day care, including but not limited to the effects on providers and the state budget of paying for child day care on a daily basis, block-of-hours basis, or hourly basis. The department shall review the policy implications of encouraging family day care home registration by providing an enhanced reimbursement for family day care homes that are registered. In addition, the department shall develop a proposal for a disproportionate share reimbursement adjustment for the child day care providers for which 75 percent or more of the children provided care receive public funding for the cost of their care. The department shall submit a report to the general assembly on or before January 15, 1997, which includes recommendations concerning the issues required by this subsection.

11. Of the funds appropriated in this section, \$35,000 is allocated for use by the united Mexican-American center in Des Moines for the center's child day care program.

12. A family who was eligible for and received state child care assistance during the fiscal year beginning July 1, 1995, shall continue to receive the assistance in the succeeding fiscal year for as long as the family continues to meet the eligibility requirements in effect for the fiscal year beginning July 1, 1995.

13. Notwithstanding section 8.33, moneys appropriated to the department of human services for state child care assistance in 1996 Iowa Acts, House File 2114, section 2, which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure in the succeeding fiscal year.

Sec. 7. JOBS PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the federal-state job opportunities and basic skills (JOBS) program, food stamp employment and training program, family development and self-sufficiency grants, entrepreneurial training, and implementing family investment agreements, in accordance with this section:

..... \$ 12,601,592

1. Of the funds appropriated in this section, \$11,692,292 is allocated for the JOBS program. For family investment agreements developed in the fiscal year beginning July 1, 1996, the maximum time period for postsecondary education is limited to two years.

2. The department shall continue to contract for services in developing, delivering, and monitoring an entrepreneurial training waiver program to provide technical assistance in self-employment training to families which receive assistance under the family investment program, contingent upon federal approval of waiver renewal requests.

3. Of the funds appropriated in this section, \$129,985 is allocated for the food stamp employment and training program.

4. Of the funds appropriated in this section, \$779,315 is allocated to the family development and self-sufficiency grant program as provided under section 217.12.

a. Not more than 5 percent of the funds allocated in this subsection shall be used for the administration of the grant program.

b. Federal funding matched by state, county, or other funding which is not appropriated in this section shall be deposited in the department's JOBS account. If the match funding is generated by a family development and self-sufficiency grantee, the federal funding received shall be used to expand the family development and self-sufficiency grant program. If the match funding is generated by another source, the federal funding received shall be used to expand the grant program or the JOBS program. The department may adopt rules to implement the provisions of this paragraph.

c. Based upon the annual evaluation report concerning each grantee funded by this allocation, the family development and self-sufficiency council may use funds allocated to renew grants.

Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	6,517,000
.....	FTEs	226.22

1. The director of human services, within the limitations of the funds appropriated in this section, or funds transferred from the family investment program appropriation for this purpose, shall establish new positions and add employees to the child support recovery unit if the director determines that both the current and additional employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds employees, the department shall demonstrate the costeffectiveness of the current and additional employees by reporting to the joint appropriations subcommittee on human services the ratio of the total amount of administrative costs for child support recoveries to the total amount of the child support recovered.

2. Nonpublic assistance application fees and federal tax refund offsets received by the child support recovery unit are appropriated and shall be used for the purposes of the child support recovery program. The director of human services may add positions within the limitations of the amount appropriated for salaries and support for the positions. The director shall report any positions added pursuant to this subsection to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

3. The director of human services, in consultation with the department of management and the legislative fiscal committee, is authorized to receive and deposit state child support incentive earnings in the manner specified under applicable federal requirements.

4. The director of human services may establish new positions and add state employees to the child support recovery unit if the director determines the employ-

ees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support recovery incentives exceeds the cost of the positions, the positions are necessary to ensure continued federal funding of the program, or the new positions can reasonably be expected to recover at least twice the amount of money necessary to pay the salaries and support for the new positions.

5. The child support recovery unit shall continue to work with the judicial department to determine the feasibility of a pilot project utilizing a court-appointed referee for judicial determinations on child support matters. The extent and location of any pilot project shall be jointly developed by the judicial department and the child support recovery unit.

6. The department shall expend up to \$50,000, including federal financial participation, for the fiscal year beginning July 1, 1996, for a child support public awareness campaign. The department shall cooperate with the office of the attorney general in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities and through continuation of the publication of names of persons who are delinquent in payment of child support obligations, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

7. The department shall continue the pilot program option to provide and supervise a community service pilot project for absent parents who are ordered by the court to perform community service for failure to pay child support pursuant to section 598.23A.

8. The director of human services may enter a contract with private collection agencies to collect support payments for cases which have been identified by the department as difficult collection cases if the department determines that this form of collection is more cost effective than departmental collection methods. The director may use a portion of the state share of funds collected through this means to pay the costs of any contracts authorized under this subsection.

9. The department shall employ on or before July 2, 1996, at least 1.00 FTE to respond to telephone inquiries during all weekly business hours.

10. The department shall develop guidelines to be used in lieu of the child support guidelines prescribed under section 598.21, subsection 4, for establishing a support obligation and the amount of the support debt accrued and accruing pursuant to section 234.39 for the costs of foster care services. The proposed guidelines shall reflect the public purpose of establishing a support obligation without causing a serious disruption of the family of the obligor. The department shall submit the proposed guidelines to the general assembly on or before January 15, 1997.

Sec. 9. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of the state training school and the Iowa juvenile home, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

For the state juvenile institutions:

..... \$ 13,769,809
 FTEs 320.77

1. The following amounts of the funds appropriated and full-time equivalent positions authorized in this section are allocated for the Iowa juvenile home at Toledo:

..... \$ 5,130,863
 FTEs 118.54

2. The following amounts of the funds appropriated and full-time equivalent positions authorized in this section are allocated for the state training school at Eldora:

..... \$ 8,638,946
 FTEs 202.23

3. During the fiscal year beginning July 1, 1996, the population levels at the state juvenile institutions shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21.

4. Of the funds appropriated in this section, \$10,000 shall be used by the state training school and \$8,000 by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 1996.

5. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.

Sec. 10. CHILD AND FAMILY SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:
 \$ 85,460,607

1. The department may transfer moneys appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under medical assistance or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations in this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

2. a. Of the funds appropriated in this section, up to \$24,601,280 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services.

b. The department shall report quarterly to the legislative fiscal bureau concerning the status of each region's efforts to contain expenditures for group foster care placements in accordance with the regional plan established pursuant to section 232.143.

c. The department shall not certify any additional enhanced residential treatment beds, unless the director of human services approves the beds as necessary,

based on the type of children to be served and the location of the enhanced residential treatment beds.

d. (1) Of the funds appropriated in this section, not more than \$6,538,215 is allocated as the state match funding for psychiatric medical institutions for children.

(2) The department may transfer all or a portion of the funds appropriated in this section for psychiatric medical institutions for children (PMICs) to the appropriation in this Act for medical assistance and may amend the managed mental health care contract to include PMICs.

e. Of the funds allocated in this subsection, not more than \$1,077,995 is allocated as the state match funding for 50 highly structured juvenile program beds.

3. The department shall establish a goal that not more than 15 percent of the children placed in foster care funded under the federal Social Security Act, Title IV-E, may be placed in foster care for a period of more than 24 months.

4. In accordance with the provisions of section 232.188, the department shall continue the program to decategorize child welfare services in additional counties or clusters of counties.

5. Of the funds appropriated in this section, up to \$96,512 is allocated for continued foster care services to a child who is 18 years of age or older in accordance with the provisions of section 234.35, subsection 3, paragraph "c". However, if funding in this appropriation would remain unobligated at the end of the fiscal year, the allocation in this subsection may be exceeded to the extent necessary to provide the continued foster care services. The department shall distribute the moneys allocated in this subsection to the department's regions based on each region's proportion of the total number of children placed in foster care on March 31 preceding the beginning of the fiscal year, who, during the fiscal year would no longer be eligible for foster care due to age.

6. Notwithstanding section 232.142, subsection 3, the financial aid paid by the state for the establishment, improvements, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 1996, shall be limited to \$872,500. Funds allocated in this subsection shall be prorated among eligible detention homes.

7. The amount of the appropriation made in this section available for foster care is based upon expansion of the number of children in foster care who are eligible for federal supplemental security income (SSI). The department may use up to \$300,000 of those funds to enter into a performance-based contract to secure SSI benefits for children placed in foster care. The contract shall include provisions for training of department of human services and juvenile court staff, completion of applications, tracking of application results, and representation during the appeals process whenever an appeal is necessary to secure SSI benefits. Notwithstanding section 217.30 and section 232.2, subsection 11, and any other provision of law to the contrary, the director or the director's designee on behalf of a child in foster care may release medical, mental health, substance abuse, or any other information necessary only to determine the child's eligibility for SSI benefits, and may sign releases for the information. In any release of information made pursuant to this subsection, confidentiality shall be maintained to the maximum extent possible.

8. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project to stay together or to be reunified.

9. Notwithstanding section 234.35, subsection 1, for the fiscal year beginning July 1, 1996, state funding for shelter care paid pursuant to section 234.35, subsection 1, paragraph "h", shall be limited to \$3,223,732. The department shall develop a formula in consultation with the shelter care committee created by the department to allocate shelter care funds to the department's regions. The formula shall be based on the region's proportion of the state population of children and historical usage. The department may adopt emergency rules to implement the provisions of this subsection.

10. Of the funds appropriated in this section, not more than \$527,137 may be used to develop and maintain the state's implementation of the national adoption and foster care information system pursuant to the requirements of Pub. L. No. 99-509. The department may transfer funds as necessary from the appropriations in this Act for field operations and general administration to implement this subsection. Moneys allocated in accordance with this subsection shall be considered encumbered for the purposes of section 8.33.

11. Of the funds appropriated in this section, up to \$619,433 may be used as determined by the department for any of the following purposes:

a. For general administration of the department to improve staff training efforts.

b. For oversight of termination of parental rights and permanency planning efforts on a statewide basis.

c. For personnel, assigned by the attorney general, to provide additional services relating to termination of parental rights and child in need of assistance cases.

d. For specialized permanency planning field operations staff.

12. The department may adopt administrative rules following consultation with child welfare services providers to implement outcome-based child welfare services pilot projects. The rules may include, but are not limited to, the development of program descriptions, provider licensing and certification standards, reimbursement and payment amounts, contract requirements, assessment and service necessity requirements, eligibility criteria, claims submission procedures, and accountability standards.

13. Of the funds appropriated in this section, up to \$125,340 may be used to develop, in cooperation with providers of children and family services, a performance-based monitoring program to evaluate and improve outcomes for children and families. The department may adopt administrative rules to implement this subsection.

14. The department may develop, within the funds available, a pilot kinship care project to enhance family involvement in the development of the permanency plan required under chapter 232 for children who are removed from their homes. The project components may include family involvement before and after removal of the child and shall stress safety for the child.

15. Within the funds appropriated in this section, the department may develop a subsidized guardianship program to provide financial assistance to guardians of children who have a permanency order under section 232.104, subsection 2, paragraph "d", subparagraph (1), in cases in which all of the following conditions exist:

- a. The option of reunification has been eliminated and termination of parental rights is not appropriate.
- b. The child has lived with the potential guardian for at least six months.
- c. The child is either 14 years of age or older or, if under 14 years of age, is part of a sibling group and cannot be made available for adoption.
- d. The placement does not require departmental supervision.

The financial assistance provided shall be in the same amount as provided for family foster care. For purposes of medical assistance and child support recovery, these payments shall be considered foster care payments.

16. The department shall continue to make adoption presubsidy and adoption subsidy payments to adoptive parents at the beginning of the month for the current month.

17. If Title XIX of the federal Social Security Act is repealed prior to January 17, 1997, and the state is otherwise authorized to establish requirements for providing health and rehabilitative services to persons who would be eligible for medical assistance under chapter 249A, the department shall eliminate the clinical assessment and consultation teams operating as part of the medical assistance children's rehabilitative services initiative. The provisions of this subsection shall apply through January 16, 1997.

18. Federal funds received by the state during the fiscal years beginning July 1, 1995, and July 1, 1996, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section shall be used as additional funding for services provided under this section. Moneys received by the department in accordance with the provisions of this section shall remain available for the purposes designated until June 30, 1998.

19. The department may adopt emergency rules to revise administrative rules relating to rehabilitative treatment services under the child welfare program as necessary to comply with federal requirements to maintain nonstate funding.

20. The department in cooperation with the department of education shall collect data to determine the number of children for whom sheltered workshops and supported employment will be required during the period beginning July 1, 1997, through June 30, 2002. The department shall report the findings of the study to the general assembly by January 2, 1997.

21. Of the funds appropriated in this section, up to \$150,000 shall be transferred to the Iowa healthy kids trust fund for use by the division of insurance of the department of commerce for planning, administration, and implementation of the Iowa healthy kids program as established in chapter 514I as enacted in this Act.

Sec. 11. COMMUNITY-BASED PROGRAMS - ADOLESCENT PREGNANCY PREVENTION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For community-based programs, on the condition that family planning services are funded, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	2,635,146
.....	FTEs	1.00

1. Of the funds appropriated in this section, \$736,146 shall be used for adolescent pregnancy prevention grants, including not more than \$156,048 for programs to prevent pregnancies during the adolescent years and to provide support services for pregnant or parenting adolescents. It is the intent of the general assembly that by July 1, 1998, grants awarded under this subsection be required to meet the criteria under subsection 2 including the provision of community-wide services within the proximity of the community or region.

2. Of the funds appropriated in this section, \$298,000 shall be used for grants to community or regional groups which demonstrate broad-based representation from community representatives including but not limited to schools, churches, human service-related organizations, and businesses. Priority in the awarding of grants shall be given to groups which provide services to both urban and rural areas within the proximity of the community or region and which provide ageappropriate programs adapted for both male and female youth at the elementary, middle, and high school levels. A program shall focus on the prevention of initial pregnancies during the adolescent years by emphasizing sexual abstinence as the only completely safe and effective means of avoiding pregnancy and sexually transmitted diseases and by providing information regarding the comparative failure rates of contraceptives, and by emphasizing responsible decision making in relationships, managing of peer and social pressures, development of selfesteem, the costs and responsibilities of parenting, and information regarding the alternative of adoption for placement of a child. The program shall also include an evaluation and assessment component which includes evaluation of and recommendations for improvement of the program by the youth and parents involved. Evaluation and assessment reports shall be provided to the department of human services, at a time determined by the department in the grant award. Community or regional groups interested in applying for a grant under this subsection may be issued a planning grant or may utilize grant moneys for the costs of technical assistance to analyze community needs, match service providers to needs, negotiate service provision strategies, or other assistance to focus grant services provided under this subsection. The technical assistance may be provided by organizations affiliated with institutions under the authority of the state board of regents or other organizations experienced in providing technical assistance concerning similar services.

3. The department of human services, in cooperation with the Iowa department of public health, shall determine the criteria to be used in measuring the results of all pregnancy prevention programs for which funds are allocated in this section. The criteria to be used shall be made available to the interim committee established in subsection 4.

4. The legislative council is requested to established a legislative interim committee during the 1996 interim of the general assembly to evaluate the effectiveness of current and proposed adolescent pregnancy prevention programs.

5. Of the funds appropriated in this section, \$846,014 shall be used by the department for child abuse prevention grants. Of the funds allocated in this sub-

section, \$115,000 shall be transferred to the Iowa department of public health for the Iowa healthy family program under section 135.106, to be expended in accordance with the provisions relating to this program in 1996 Iowa Acts, Senate File 2448.

Sec. 12. COURT-ORDERED SERVICES PROVIDED TO JUVENILES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4:

..... \$ 3,090,000

1. Notwithstanding section 232.141 or any other provision of law, the funds appropriated in this section shall be allocated to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination on the allocations on or before June 15.

2. a. Each judicial district shall continue the planning group for the court-ordered services for juveniles provided in that district which was established pursuant to 1991 Iowa Acts, chapter 267, section 119. A planning group shall continue to perform its duties as specified in that law. Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group.

b. Each district planning group shall submit an annual report in January to the state court administrator and the department of human services. The report shall cover the preceding fiscal year and shall include a preliminary report on the current fiscal year. The administrator and the department shall compile these reports and submit the reports to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

3. The department of human services shall develop policies and procedures to ensure that the funds appropriated in this section are spent only after all other reasonable actions have been taken to utilize other funding sources and community-based services. The policies and procedures shall be designed to achieve the following objectives relating to services provided under chapter 232:

a. Maximize the utilization of funds which may be available from the medical assistance program including usage of the early and periodic screening, diagnosis, and treatment (EPSDT) program.

b. Recover payments from any third-party insurance carrier which is liable for coverage of the services, including health insurance coverage.

c. Pursue development of agreements with regularly utilized out-of-state service providers which are intended to reduce per diem costs paid to those providers.

4. The department of human services, in consultation with the state court administrator and the judicial district planning groups, shall compile a monthly report describing spending in the districts for court-ordered services for juveniles, including the utilization of the medical assistance program. The reports shall be

submitted on or before the twentieth day of each month to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

5. Notwithstanding chapter 232 or any other provision of law, a district or juvenile court in a department of human services district shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district allocation to pay for the service. The chief juvenile court officer shall work with the judicial district planning group to encourage use of the funds appropriated in this section such that there are sufficient funds to pay for all court-related services during the entire year. The eight chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the allocations and shall cooperatively request the state court administrator to transfer funds between the districts' allocations as prudent.

6. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

7. Of the funds appropriated in this section, not more than \$100,000 may be used by the judicial department for administration of the requirements under this section and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

8. Of the funds appropriated in this section, not more than \$400,000 may be transferred to the appropriation in this Act for child and family services and used to provide school-based supervision of children adjudicated under chapter 232.

Sec. 13. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the state mental health institutes for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$ 41,537,333
..... FTEs	927.16

1. The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

- a. State mental health institute at Cherokee:

.....	\$ 13,581,308
..... FTEs	306.04

- b. State mental health institute at Clarinda:

.....	\$ 6,172,607
..... FTEs	136.82

- c. State mental health institute at Independence:

.....	\$ 16,946,094
.....	FTEs 401.82

d. State mental health institute at Mount Pleasant:

.....	\$ 4,837,324
.....	FTEs 82.48

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.

3. As part of the discharge planning process at the state mental health institutes, the department shall provide assistance in obtaining eligibility for federal supplemental security income (SSI) to those individuals whose care at a state mental health institute is the financial responsibility of the state.

Sec. 14. HOSPITAL-SCHOOLS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the state hospital-schools, for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$ 62,029,824
.....	FTEs 1,516.00

1. The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

a. State hospital-school at Glenwood:

.....	\$ 35,070,700
.....	FTEs 872.50

b. State hospital-school at Woodward:

.....	\$ 26,959,124
.....	FTEs 643.50

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.

Sec. 15. MENTAL ILLNESS SPECIAL SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental illness special services:

.....	\$ 121,220
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1. The department and the Iowa finance authority shall develop methods to implement the financing for existing community-based facilities and to implement

financing for the development of affordable community-based housing facilities. The department shall assure that clients are referred to the housing as it is developed.

2. The funds appropriated in this section are to provide funds for construction and start-up costs to develop community living arrangements to provide for persons with mental illness who are homeless. These funds may be used to match federal Stewart B. McKinney Homeless Assistance Act grant funds.

Sec. 16. FAMILY SUPPORT SUBSIDY PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used by the division of children and family services for the purpose designated:

For the family support subsidy program:

..... \$ 1,344,000

The division of children and family services shall utilize not more than \$200,000 of the funds appropriated in this section to implement a pilot project of the children-at-home component under the comprehensive family support program in at least one rural and one urban county. Not more than \$50,000 of the funds allocated in this paragraph shall be used for administrative costs.

Sec. 17. SPECIAL NEEDS GRANTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To provide special needs grants to families with a family member at home who has a developmental disability or to a person with a developmental disability:

..... \$ 53,212

Grants must be used by a family to defray special costs of caring for the family member to prevent out-of-home placement of the family member or to provide for independent living costs. The grants may be administered by a private nonprofit agency which serves people statewide provided that no administrative costs are received by the agency. Regular reports regarding the special needs grants with the family support subsidy program and an annual report concerning the characteristics of the grantees shall be provided to the legislative fiscal bureau.

Sec. 18. MI/MR/DD STATE CASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purchase of local services for persons with mental illness, mental retardation, and developmental disabilities where the client has no established county of legal settlement:

..... \$ 5,454,000

If a county has a county management plan which is approved by the director of human services pursuant to section 331.439, the services paid for under this section are exempt from the department's purchase of service system requirements. The department shall adopt rules to implement the provisions of this paragraph.

Sec. 19. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES – COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this Act:

..... \$ 16,230,000

1. Of the funds appropriated in this section, \$15,951,138 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$30,000 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. The department shall submit an annual report concerning each population served and each service funded in this section to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

5. Of the funds appropriated in this section, not more than \$248,862 shall be provided to those counties having supplemental per diem contracts in effect on June 30, 1994, which were originally ini

tiated under 1993 Iowa Acts, chapter 172, section 16, subsection 2. The amount provided to each county shall be equal to the amount the county would be eligible to receive under the supplemental per diem contracts in effect on June 30, 1994, if the contracts were continued in effect for the entire fiscal year beginning July 1, 1996.

6. a. Funding from the federal social services block grant in the amount of \$13,038,763 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with eligibility guidelines established in the department's rules outlin-

ing general provisions for service administration. Services eligible for payment with funds allocated in this subsection are limited to any of the following which are provided in accordance with the department's administrative rules for the services: adult support, adult day care, administrative support for volunteers, community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity.

c. In purchasing services with funds allocated in this subsection, a county shall designate a person to provide for eligibility determination and development of a case plan for individuals for whom the services are purchased. The designated person shall be a medical assistance case manager serving the person's county of residence. If an individual does not have a case manager, the individual's eligibility shall be determined by a social services caseworker of the department serving the individual's county of residence. The case plan shall be developed in accordance with the department's rules outlining general provisions for service administration.

d. Services purchased with funds allocated in this subsection must be the result of a referral by the person who identified the services in developing the individual's case plan.

e. Services purchased with funds allocated in this subsection must be under a purchase of service contract established in accordance with the department's administrative rules for purchase of service.

f. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

g. Each county shall submit to the department a plan for funding of the services eligible for payment under this subsection. The plan may provide for allocation of the funds for one or more of the eligible services. The plan shall identify the funding amount the county allocates for each service and the time period for which the funding will be available. Only those services which have funding allocated in the plan are eligible for payment with funds provided in this subsection.

h. A county shall provide advance notice to the individual receiving services, the service provider, and the person responsible for developing the case plan of the date the county determines that funding will no longer be available for a service.

i. The moneys provided under this subsection do not establish an entitlement to the services funded under this subsection.

7. If a county has a county management plan which is approved by the director of human services pursuant to section 331.439, the county shall be considered to have met the requirements of subsection 2, and subsection 6, paragraphs "b", "c", "d", "e", and "g". The department shall adopt rules to implement the provisions of this subsection.

Sec. 20. PERSONAL ASSISTANCE – FAMILY SUPPORT. There is appropriated from the general fund of the state to the department of human services for the

fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount or so much thereof as is necessary, to be used for the purpose designated:

For continuation of a pilot project for the personal assistance services program in accordance with this section:

..... \$ 364,000

The funds appropriated in this section shall be used by the division of children and family services to continue the pilot project for the personal assistance services program under section 225C.46 in an urban and a rural area. A portion of the funds may be used for costs to develop a federal home and community-based waiver under the medical assistance program for persons with physical disabilities or other expenditures necessary to develop the personal assistance program in the most appropriate and cost-effective manner. However, not more than \$50,000 shall be used for administrative costs. The pilot project and the waiver shall not be implemented in a manner that would require additional county or state costs for assistance provided to an individual served under the pilot project or the waiver.

Sec. 21. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 38,483,998

..... FTEs 2,019.00

Sec. 22. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 11,917,316

..... FTEs 401.00

1. Of the funds appropriated in this section, \$57,090 is allocated for the prevention of disabilities policy council established in section 225B.3.

2. a. Except as provided under this subsection and under the appropriation in this Act to the legislative council, the department shall not implement the options for service system modification developed by the department's modification teams in response to proposed federal action and shall not implement other actions in response to enacted federal changes affecting the programs administered by the department unless the department is implementing a policy or action authorized in law by the Seventy-sixth General Assembly, 1996 Session, or by the Seventy-seventh General Assembly.

b. The department may make changes to the requirements for periodic reporting by participants under the family investment program, food stamp program, or medical assistance program if the changes would result in a reduction in paper-

work for the participants and for department staff. If a federal waiver is necessary to implement a change, the department may submit the waiver request to the United States departments of health and human services and agriculture, as applicable. If the department elects to submit a waiver request or to adopt rules to implement a change under this paragraph, the department shall first consult with a group similar to the work group that considered the state human investment policy proposal or with a successor interagency task force which makes recommendations concerning the family investment program, and shall share the proposals with the chairpersons and ranking members of the committees on human resources of the senate and house of representatives.

c. If implementation of the request would result in increased federal funding and would permit greater flexibility in service funding, the department may submit a waiver request to the United States department of health and human services for Title IV-E funding to be provided to the state in a fixed amount. Prior to submission of the request, the department shall consult with representatives of the juvenile court and service providers.

Sec. 23. DEPARTMENT OF HUMAN SERVICES RESTRUCTURING TASK FORCE ON THE FUTURE OF HUMAN SERVICES. There is appropriated from the general fund of the state to the legislative council for the fiscal period beginning July 1, 1996, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For expenses associated with the activities of the task force for assessing the structure and function of the department of human services and human services programs in accordance with this section:

..... \$ 75,000

1. The legislative council shall establish a task force to develop a comprehensive proposal for changing the role and function of the department of human services and its programs. The purpose of the changes is to improve services to Iowans through the creation of new federal, state, and local partnerships. The task force shall make recommendations regarding restructuring the department of human services in order to achieve better human services results, to improve the quality of service delivery, and to increase the quality of the department's interaction with the public. The task force may also assess program duplication and linkages with other federal, state, or local programs or funding streams.

2. The task force shall be composed of not more than 21 members appointed by the legislative council and shall include not more than five individuals recommended by the governor and legislators who are members of the joint appropriations subcommittee on human services and other knowledgeable legislators designated by the legislative council. The task force may use moneys appropriated in this section for technical assistance. The task force shall consult with service consumers, experts who are representative of organizations such as nonprofit service organizations, health insurers, and human services-oriented community organizations, representatives of local governments, representatives of state agencies, federal officials with expertise or responsibilities regarding human services in Iowa, and others, as determined by the task force. An interim report shall be completed prior to the convening of the Seventy-seventh General Assembly.

The task force shall provide for public input concerning the four modification proposals developed by the department in response to proposed federal actions submitted to the joint appropriations subcommittee on human services in February 1996.

The task force may establish work groups to assist in the task force's consideration of the modification proposals which may include the following:

a. A review of the child welfare modification proposal which may include input from representatives of the juvenile court, service providers, families receiving services, the attorney general, representatives of local governments, representatives of state agencies, and other citizens and officials.

b. A review of the mental health and developmental disabilities proposal which shall incorporate issues associated with implementation of the funding reform enacted in 1995 Iowa Acts, chapter 206; usage of service providers such as intermediate care facilities for the mentally retarded, state institutions, and other services for persons with disabilities; distribution of services throughout the state; and other issues. In addition, the review shall consider a proposal to replace the single contract for managed care under medical assistance with not more than four regional plans utilizing collaborations between community mental health centers as umbrella agencies.

c. A review of the family investment program proposal which may include input from the work group which considered the state human investment policy proposal or a successor interagency task force which makes recommendations to the department concerning the family investment program. Consideration of issues associated with the proposal may include review of the emergency assistance program, the family development and self-sufficiency (FaDSS) program, and child day care programs, and an assessment of the feasibility of transferring all or part of the functions of the child support recovery unit to other agencies of state government.

d. A review of the medical assistance proposal which may include input from representatives of the medical assistance advisory council, the long-term care resident's advocate, and consumer groups such as the Iowa affiliate of the American association of retired persons, Iowa citizens' action network, the governor's DD council which was formerly referred to as the governor's planning council for developmental disabilities, and representatives of maternal and child health centers.

3. If federal law requires the state to make changes in the programs and services directed to the populations addressed by the modification proposals and authorizes the changes to be made without state legislation, the department shall adopt rules to implement the changes. The rules shall be submitted to the task force for review and recommendation prior to their submission to the administrative rules review committee.

Sec. 24. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:
..... \$ 98,900

Sec. 25. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. The department of human services may allocate increases among items and procedures for durable medical products and supplies as deemed appropriate in

cooperation with durable medical equipment and supply dealers, audiologists, and hearing aid dealers.

b. For the fiscal year beginning July 1, 1996, skilled nursing facilities shall remain at the rates in effect on June 30, 1996.

c. The dispensing fee for pharmacists shall remain at the rate in effect on June 30, 1996. The reimbursement policy for drug product costs shall be in accordance with federal requirements.

d. Reimbursement rates for in-patient and outpatient hospital services shall remain at the rates in effect on June 30, 1996. The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "f". Reimbursements made between July 1, 1996, and June 30, 1997, under the outpatient hospital reimbursement system implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "f", shall be retrospectively adjusted so that the reimbursement made is within a ten percent deviation of the lower of the cost or the charges for the services provided during the fiscal year ending June 30, 1996. In addition, the department shall continue the revised medical assistance payment policy implemented pursuant to that paragraph to provide reimbursement for costs of screening and treatment provided in the hospital emergency room if made pursuant to the prospective payment methodology developed by the department for the payment of outpatient services provided under the medical assistance program.

e. Reimbursement rates for rural health clinics shall be increased in accordance with increases under the federal medicare program.

f. Home health agencies certified for the federal Medicare program, hospice services, and acute care mental hospitals shall be reimbursed for their current federal Medicare audited costs.

g. The basis for establishing the maximum medical assistance reimbursement rate for nursing facilities shall be the 70th percentile of facility costs as calculated from the June 30, 1996, unaudited compilation of cost and statistical data. However, to the extent funds are available within the amount projected for reimbursement of nursing facilities within the appropriation for medical assistance in this Act, and within the appropriation for medical assistance as a whole, the department shall adjust the maximum medical assistance reimbursement for nursing facilities to the 70th percentile, as calculated on December 31, 1996, unaudited compilation of cost and statistical data and the adjustment shall take effect January 1, 1997.

h. The department may modify the reimbursement methodology for skilled nursing facilities which participated in the medical assistance program on or before May 31, 1993, and which met the departmental disproportionate share payment provisions as of May 31, 1993, if it is possible to demonstrate that the modification would result in a cost savings to the medical assistance program.

i. The department may revise the fee schedule used for physician reimbursement.

j. Federally qualified health centers shall be reimbursed at 100 percent of reasonable costs as determined by the department in accordance with federal requirements.

k. The department may allocate increases among items and procedures for dental procedures as deemed appropriate in cooperation with dentists.

2. For the fiscal year beginning July 1, 1996, the maximum cost reimbursement rate for residential care facilities reimbursed by the department shall be \$21.54 per day. The flat reimbursement rate for facilities electing not to file semi-annual cost reports shall be \$15.41 per day. For the fiscal year beginning July 1, 1996, the maximum reimbursement rate for providers reimbursed under the in-home health-related care program shall be \$414.11 per month.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 1995.

4. Notwithstanding section 234.38, in the fiscal year beginning July 1, 1996, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$12.34, the rate for children ages 6 through 11 years shall be \$13.06, the rate for children ages 12 through 15 years shall be \$14.23, and the rate for children ages 16 and older shall be \$15.12.

5. For the fiscal year beginning July 1, 1996, the maximum reimbursement rates for social service providers shall be the same as the rates in effect on June 30, 1996, except under any of the following circumstances:

a. If a new service was added after June 30, 1996, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

c. The department revises the reimbursement rates as part of the changes in the mental health and developmental disabilities services system initiated pursuant to 1995 Iowa Acts, chapter 206 (Senate File 69), and associated legislation.

d. The reimbursement rate revision is necessary to implement the change required by the appropriation in this Act for an increase in the reimbursement for residential care facilities.

6. The group foster care reimbursement rates paid for placement of children out-of-state shall be calculated according to the same rate-setting principles as those used for in-state providers unless the director determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

7. For the fiscal year beginning July 1, 1996, the combined service and maintenance components of the reimbursement rate paid to a shelter care provider shall be based on the cost report submitted to the department. The maximum reimbursement rate shall be \$76.61 per day. If the department would reimburse the provider at less than the maximum rate but the provider's cost report justifies a rate of at least \$76.61, the department shall readjust the provider's reimbursement rate to the maximum reimbursement rate. In January 1997, the department shall review the usage of shelter care and the funding allocated for shelter care, if the usage is less than anticipated and the existing contracts for provision of shelter care do not obligate the total amount of the funds allocated, the department may utilize moneys in the allocation, which would otherwise be unexpended, for wrap-around services or support to enable group foster care placement to be prevented or the length of stay reduced.

8. The department, through the drug utilization review commission, shall propose a pilot project for an alternative payment system, recommended in the study completed by the drug utilization review commission, for compensation of pharmacists for pharmaceutical care services under medical assistance at no cost to the state. The department shall submit the proposal to the members of the joint appropriations subcommittee on human services on or before November 30, 1996.

9. For the fiscal year beginning July 1, 1996, the department shall calculate reimbursement rates for intermediate care facilities for the mentally retarded at the 80th percentile. The department shall address any other proposals for containment of intermediate care facilities for the mentally retarded costs with the work group for restructuring of the department of human services created pursuant to this Act.

10. The department of human services shall adopt rules applicable to agencies providing services under the department's rehabilitative treatment program for children and their families to eliminate reimbursement rate limits on service components which are within a category of cost which itself has a reimbursement rate limit. The change required by this subsection shall be implemented in a manner which is cost neutral.

11. The department shall negotiate with providers of services under the department's medical assistance rehabilitative treatment program for children and families, to revise the department's rules providing reimbursement rates under the program, including a review of cost principles. The goals for the revision are to simplify the reimbursement process, reduce paperwork for providers, and provide full payment for necessary services provided under contract with the department. Prior to adoption of the rules and no later than October 1, 1996, the department shall provide a description of the agreement to the chairpersons and ranking members of the joint appropriations subcommittee on human services. The provisions of this subsection shall be separate from the provisions of subsection 10.

12. The department of human services, in consultation with representatives of nursing facilities, consumers, legislators, a representative of the department of management or the governor's designee, and other interested entities, shall do all of the following with the goals of improving the quality of care and improving the recruitment and retention of qualified direct health care providers in nursing facilities:

a. Establish definitions for the direct health care, administrative, room and board, and property cost categories for reimbursement of nursing facilities under the medical assistance program.

b. Analyze and make recommendations for the distribution of costs among the cost categories which may include elimination or replacement of the cost categories.

c. Analyze and make recommendations to eliminate reimbursement rate limits on components which are within a category of cost which itself has a reimbursement rate limit.

d. Conduct a cost-benefit analysis of incentive payments, evaluate their impact on quality of care and patient wellbeing, and make recommendations based upon the analysis and evaluation.

e. Analyze and make recommendations for clarification and simplification of the cost report format, which may include standardization with the county charts of accounts.

f. Analyze and make recommendations regarding the use of a reimbursement allowance for those nursing facilities serving a disproportionate share of medical assistance patients.

g. Analyze and make recommendations regarding effective ways to mediate disputes between a nursing facility and the department of inspections and appeals concerning significant violations, prior to a formal appeal.

h. Submit a report of the definitions, analysis, and recommendations to the general assembly on or before December 16, 1996.

13. The department may adopt emergency rules to implement the provisions of this section.

Sec. 26. RESIDENTIAL SERVICES – PURCHASE OF SERVICES – REIMBURSEMENT RATE INCREASE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For an increase in the purchase of service reimbursement rate for adult residential services provided to persons residing in any category of licensed residential care facility. Beginning July 1, 1996, provider service rates for adult residential services shall be increased up to the amount of actual and allowable costs plus inflation, based upon the cost reports on which rates have been established as of April 1, 1996. However, a provider service rate shall not be increased by more than \$4.36 per day. If a provider service rate in effect prior to July 1, 1996, is greater than the actual and allowable costs plus inflation, based upon the cost report, or if the difference between the provider service rate and the actual and allowable costs is less than \$.44 per day, the provider service rate shall be increased by \$.44 per day:

..... \$ 1,300,000

1. Funding appropriated in this section shall be allocated to counties in accordance with the distribution guidelines for local purchase of services in accordance with the appropriation in this Act for the mental health and developmental disabilities community services fund. Use of the funding is restricted to reimbursement of a licensed residential care facility provider of adult residential services which had a purchase of service contract for those services in effect on June 30, 1996, and for which the rate negotiated for fiscal year 1996-1997 is greater than the rate paid in fiscal year 1995-1996.

2. Of the moneys appropriated in this section, \$130,000 shall be transferred to the appropriation in this Act for MI/MR/DD state cases and shall be used for payment of the increased reimbursement rate to residential care facilities providing services through local purchase of services for persons under the state cases program, and in accordance with the guidelines in this Act for local purchase of services.

Sec. 27. APPROPRIATIONS REDUCTIONS. The following appropriations in this Act for the fiscal year beginning July 1, 1996, and ending June 30, 1997, are reduced by a total of \$1,560,000: child support recovery, juvenile institutions, community-based programs, mental health institutes, state hospital-schools, field operations, and general administration. The department shall use the following guidelines in achieving these reductions:

1. As the highest priority, avoid disruptions of direct client services.

2. To the extent possible, use attrition to reduce the number of positions filled.
3. To the extent possible, not disproportionately affect a single job classification.
4. Not include in the reduction, the elimination of the 3.00 FTEs for managed care specialists in the medical services division.
5. Consider reductions in administration, overhead, and program duplication.

The department shall submit the department's plan for accomplishing the reductions to the chairpersons and ranking members of the joint appropriations subcommittee on human services, the department of management, and the legislative fiscal bureau on or before June 15, 1996.

Sec. 28. STATE INSTITUTIONS - CLOSINGS, REDUCTIONS, AND BILLING PRACTICES.

1. If a state institution administered by the department of human services is to be closed or reduced in size, prior to the closing or reduction the department shall initiate and coordinate efforts in cooperation with the Iowa department of economic development to develop new jobs in the area in which the state institution is located. In addition, the department may take other actions to utilize any closed unit or other facilities and services of an institution, including but not limited to assisting public or private organizations in utilizing the services and facilities. The actions may also include assisting an organization with remodeling and lease costs by forgiving future rental or lease payments to the extent necessary for a period not to exceed five years. The department of human services and the department of economic development shall submit a joint report to the chairpersons and ranking members of the joint appropriations subcommittee on human services on or before January 2, 1997, regarding any efforts made pursuant to this subsection.

2. For purposes of this section, "state institution" means a state mental health institute, a state hospital-school, the state training school, and the Iowa juvenile home under the authority of the department of human services listed in section 218.1. If excess capacity exists at a state institution beyond the capacity required for placements at the institution under law, the department of human services may enter into a contract with a managed care provider or an organized delivery system for health care, to provide services during the fiscal year beginning July 1, 1996, at the institution for the plan or system.

3. The department shall work with administrators of state institutions and the department of management and the legislative fiscal bureau in reviewing revenues and expenditures attributable to state institutions, applicable fiscal procedures, and other information as necessary to develop a proposal to revise the manner of making appropriations to these state institutions and of accounting for reimbursements and expenditures so that in future fiscal years the amounts appropriated reflect the net amount of state funds needed. The proposal shall be submitted to the general assembly on or before December 16, 1996. If deemed feasible by those performing the review, the department of human services and the department of management shall incorporate the proposed revisions in the budget documents for the fiscal year beginning July 1, 1997.

4. The superintendents of the state hospital-schools shall work with the department's administrative staff in studying the manner in which services and costs are combined for purposes of billing for medical assistance reimbursement at the state hospital-schools. Following the study, the superintendents shall submit a

report which may include a proposal for revising the state hospital-schools' manner of billing for medical assistance reimbursement to be more comparable to other intermediate care facilities for the mentally retarded. The report shall be submitted to the general assembly on or before December 16, 1996.

5. The superintendent of the state hospital-schools shall work with the department's administrative staff in developing methodologies to bill services, consultation, and other assistance provided by the state hospital-schools in support of community-based services. The department may implement the methodologies in the fiscal year beginning July 1, 1996.

6. In addition to existing planning efforts for communitybased alternatives to placements at a state hospital-school, if the department's budget planning for fiscal year 1997-1998 includes a proposal for reduction of capacity at a state hospital-school or mental health institute, the department shall work with counties, service providers, advocates, and the department's contractor for managed mental health care under medical assistance, in developing a plan for community-based placements in place of the capacity proposed to be reduced. The plan shall be submitted for review to the task force on the future of human services created in this Act and to the statecounty management committee. It is the intent of the general assembly that any authorization for any reduction of capacity at a state hospital-school or state mental health institute in fiscal year 1997-1998 is contingent upon development of sufficient community-based placements to replace the reduced capacity.

7. To the extent possible, the department shall consult with the applicable workgroups of the task force on the future of the department of human services created in this Act concerning the activities required of the department pursuant to this section.

Sec. 29. STANDARDS FOR CASELOADS. The department of human services shall develop a plan for meeting national standards on caseloads for the department's social workers.

The department shall submit the planning provisions required by this section to the members of the joint appropriations subcommittee on human services of the senate and house of representatives on or before January 8, 1997.

Sec. 30. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on human services, the legislative fiscal bureau, the legislative service bureau, and to the caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 31. REPORTS BY PROVIDERS OF FOSTER CARE SERVICES - REVIEW - PROCESS SIMPLIFICATION. The department of human services shall consult with providers of rehabilitation treatment services relating to the medical assistance child services initiative in reviewing provider requirements relating to financial and statistical accountability reporting and the process for submission of the reports relating to these requirements. Following this review, and no later than January 1, 1997, the department of human services shall implement a process which provides, at a minimum, for a simplified means of documenting compliance with provider accountability requirements which shall, at a minimum, include consolidation of the reports required and which may provide a means for submission of the reports in an electronic format.

Sec. 32. Section 135H.6, Code 1995, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. The department of human services may give approval to conversion of beds specializing in substance abuse treatment previously approved under subsection 5, paragraph "b", to beds which are not specialized as referenced in subsection 5, paragraph "a". Beds converted under this subsection shall be in addition to the number of beds authorized under subsection 5, paragraph "a". However, the total number of beds approved under subsection 5 shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion.

NEW SUBSECTION. 7. A psychiatric institution licensed prior to January 1, 1996, may exceed the number of beds authorized under subsections 5 and 5A if the excess beds are used to provide services funded from a source other than the medical assistance program under chapter 249A. Notwithstanding subsections 4, 5, and 5A, the provision of services using such excess beds does not require a certificate of need or a review by the department of human services.

Sec. 33. Section 228.5, subsection 1, Code 1995, is amended to read as follows:

1. An individual or an individual's legal representative shall be informed that mental health information relating to the individual may be disclosed to employees or agents of or for the same mental health facility or to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual.

Sec. 34. Section 228.5, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Mental health information relating to an individual may be disclosed to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual.

Sec. 35. Section 232.143, Code Supplement 1995, is amended to read as follows:

232.143 REGIONAL GROUP FOSTER CARE TARGET BUDGET TARGETS.

1. A statewide expenditure target ~~for the average number of~~ for children in group foster care placements ~~on any day of~~ in a fiscal year, which placements are a charge upon or are paid for by the state, shall be established annually in an appropriation bill by the general assembly. The department and the judicial department shall jointly develop a formula for allocating a portion of the statewide expenditure target established by the general assembly to each of the department's regions. The formula shall be based upon the region's proportion of the state population of children and of the statewide ~~number of children placed in~~ usage of group foster care in the previous five completed fiscal years and other indicators of need. The ~~number~~ expenditure amount determined in accordance with the formula shall be the group foster care ~~placement~~ budget target for that region. A region may exceed its budget target for group foster care by not more than five percent in a fiscal year, provided the overall funding allocated by the department for all child welfare services in the region is not exceeded.

2. For each of the department's regions, representatives appointed by the department and the juvenile court shall establish a plan for containing the ~~number~~

of expenditures for children placed in group foster care ordered by the court within the budget target allocated to that region pursuant to subsection 1. The plan shall include monthly targets and strategies for developing alternatives to group foster care placements in order to contain expenditures for child welfare services ~~provided to children~~ within the amount appropriated by the general assembly for that purpose. Each regional plan shall be established in advance of the fiscal year to which the regional plan applies. To the extent possible, the department and the juvenile court shall coordinate the planning required under this subsection with planning for services paid under section 232.141, subsection 4. The department's regional administrator shall communicate regularly, as specified in the regional plan, with the juvenile courts within that region concerning the current status of the regional plan's implementation.

3. State payment for group foster care placements shall be limited to those placements which are in accordance with the regional plans developed pursuant to subsection 2. If a proposed group foster care placement in a region would meet the region's plan requirements except that the placement would cause a monthly or overall budget target to be exceeded and the child is eligible for an alternative service which is costlier and more restrictive than the proposed placement, the director of human services, after consultation with appropriate juvenile court officials, may allow an exception to policy and authorize the placement. At the close of the fiscal year, moneys for specific placements authorized by the director under this subsection shall be transferred from the state appropriation for the alternative placement to the appropriation for group foster care placements, as necessary to prevent a deficit in the appropriation for group foster care.

Sec. 36. Section 234.39, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

It is the intent of this chapter that an individual receiving foster care services and the individual's parents or guardians, shall have primary responsibility for paying the cost of the care and services. The support obligation established and adopted under this section shall be consistent with the limitations on legal liability established under sections 222.78 and 230.15, and by any other statute limiting legal responsibility for support which may be imposed on a person for the cost of care and services provided by the department. The department shall notify an individual's parents or guardians at the time of the placement of an individual in foster care, of the responsibility for paying the cost of care and services. Support obligations shall be established as follows:

Sec. 37. Section 234.39, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The support debt for the costs of services, for which a support obligation is established pursuant to this section, which accrues prior to the establishment of the support debt, shall be collected, at a maximum, in the amount which is the amount of accrued support debt for the three months preceding the earlier of the following:

a. The provision by the child support recovery unit of the initial notice to the parent or guardian of the amount of the support obligation.

b. The date that the written request for a court hearing is received by the child support recovery unit as provided in section 252C.3 or 252F.3.

Sec. 38. **NEW SECTION.** 239.23 FAMILY INVESTMENT PROGRAM HOST HOMES.

1. As used in this section, unless the context otherwise requires:

a. "Host home" means a host home authorized in accordance with the provisions of this section and licensed by the department to provide a living arrangement and related services to minor parents and pregnant minors or an alternative adult supervised placement approved by the department.

b. "Minor parent" means a recipient of or applicant for assistance who is less than eighteen years of age and has never been married.

2. The department shall perform a home assessment of a minor parent who applies for assistance to assess the minor parent's living arrangement prior to the granting of assistance. If a minor parent is receiving assistance at the time the provisions of this section are implemented, the department shall perform a home assessment as a condition of continued assistance.

3. If the department determines, based upon the home assessment, that the minor parent is living in an environment which is conducive to the positive upbringing of the minor parent's child, the department may allow the minor parent to continue living in the home with the parent or the legal guardian of the minor parent or in another current living arrangement which is approved by the department.

4. If the department determines, based upon the home assessment, that good cause exists for the minor parent to not live with their parent or legal guardian or in the other current living arrangement because the home environment is not conducive to the minor parent's physical, emotional, or mental well-being, the department shall require the minor parent to relocate to a host home, as a condition of assistance under this chapter. If the minor parent does not live in a host home and the department determines the resulting level of risk to the minor parent warrants the filing of a child in need of assistance petition, the department shall file the petition.

5. If the department determines, based upon the home assessment, that remaining in the current living arrangement is not in the best interest of the minor parent or a child of the minor parent and the minor parent is placed in a host home, the parent or legal guardian shall be referred to the department's child support recovery unit to establish a child support obligation in accordance with the child support guidelines prescribed pursuant to section 598.21, subsection 4, not to exceed the cost of the host home placement. However, if a child in need of assistance petition is filed and the child is placed in a foster care setting, the child support obligation shall be determined as provided in section 234.39.

6. a. The department shall issue a request for proposals for grants for non-profit organizations to establish host homes to provide adult supervision to minor parents and pregnant minors presumed to be eligible for assistance. A proposal shall demonstrate the organization's ability to provide supervision, services, and other support to enable a minor parent or pregnant minor to develop self-sufficiency.

b. Funding for a host home shall be obtained through assignment of the minor parent's assistance under this chapter, as permitted under federal law or waiver, through child support recovered from the parent or legal guardian of the minor parent, and through appropriations made for the purposes of reimbursing host homes.

c. The department shall adopt rules for licensing of host homes which are distinct from foster care licensure requirements.

d. Host home services shall include but are not limited to training in family development, parenting and self-sufficiency skills, and assistance in completing an education.

e. A host home shall not be considered to be a group foster care facility or to be another licensed facility which provides care for children. The placement of a minor parent or pregnant minor and the children of a minor parent shall not be considered a placement which is subject to the statewide target for the number of group foster care placements under section 232.143 and associated provisions.

7. This section shall not be implemented prior to July 1, 1997, and implementation is contingent upon federal approval of a waiver authorizing the implementation.

Sec. 39. Section 252B.4, Code 1995, is amended to read as follows:

252B.4 NONASSISTANCE CASES.

The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by the unit to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department.

1. The director shall require an application fee of five dollars.

2. The director may ~~require an additional~~ collect a fee to cover the costs incurred by the department ~~in providing the support collection and paternity determination services for service of process, genetic testing and court costs if the entity providing the service charges a fee for the services.~~

~~a. The director shall, by rule, establish and inform all applicants for support enforcement and paternity determination services of the fee schedule.~~

~~b. The additional fee for services may be deducted from the amount of the support money recovered by the department or may be collected from the recipient of the services following recovery of support money by the department.~~

3. When the unit intercepts a federal tax refund of an obligor for payment of delinquent support and the funds are due to a recipient of services who is not otherwise eligible for public assistance, the unit shall deduct a twenty-five dollar fee from the funds before forwarding the balance to the recipient.

a. The unit shall inform the recipient of the fee under this subsection prior to assessment.

b. The fee shall be assessed only to individuals who receive support from the federal tax refund offset program. If the tax refund due the recipient is less than fifty dollars, the fee shall not be assessed.

~~4. The department may adopt rules to establish fees which provide for recovery of administrative costs of the program in addition to other fees identified.~~

~~5.~~ 4. Fees collected pursuant to this section shall be retained by the department for use by the unit. The director or a designee shall keep an accurate record of funds so retained.

~~6.~~ 5. An application fee paid by a recipient of services pursuant to subsection 1

may be recovered by the unit from the person responsible for payment of support and if recovered, shall be used to reimburse the recipient of services.

a. The fee shall be an automatic judgment against the person responsible to pay support.

b. This subsection shall serve as constructive notice that the fee is a debt due and owing, is an automatic judgment against the person responsible for support, and is assessed as the fee is paid by a recipient of services. The fee may be collected in addition to any support payments or support judgment ordered, and no further notice or hearing is required prior to collecting the fee.

c. Notwithstanding any provision to the contrary, the unit may collect the fee through any legal means by which support payments may be collected, including but not limited to income withholding under chapter 252D or income tax refund offsets, unless prohibited under federal law.

d. The unit is not required to file these judgments with the clerk of the district court, but shall maintain an accurate accounting of the fee assessed, the amount of the fee, and the recovery of the fee.

e. Support payments collected shall not be applied to the recovery of the fee until all other support obligations under the support order being enforced, which have accrued through the end of the current calendar month, have been paid or satisfied in full.

f. This subsection applies to fees that become due on or after July 1, 1992.

Sec. 40. Section 426B.2, subsection 5, Code Supplement 1995, is amended to read as follows:

5. The department of human services shall notify the director of revenue and finance of the amounts due a county in accordance with the provisions of this section. The director of revenue and finance shall draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with subsections 1 and 3 and mail distribute the warrants to the county auditors ~~in September on July 1 and March January 1~~ of each year. Warrants for the state payment in accordance with subsection 2 shall be ~~mailed distributed~~ distributed in January of each year.

Sec. 41. NEW SECTION. 514I.1 IOWA HEALTHY KIDS PROGRAM - LEGISLATIVE INTENT.

1. The general assembly finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have health care services available or funded, and for those who do, lack of access is a restriction to obtaining such services. It is the intent of the general assembly that a program be implemented to provide health care services and comprehensive health benefits or insurance coverage to children. A goal for the program is to cooperate with any existing programs with similar purposes funded by either the public or private sector.

2. For the purposes of this chapter, unless the context otherwise requires:

a. "Advisory council" means the advisory council created by the division under section 514I.4.

b. "Division" means the insurance division of the department of commerce.

c. "Program" means the program developed by the division in accordance with section 514I.3.

Sec. 42. NEW SECTION. 514I.2 IOWA HEALTHY KIDS PROGRAM AUTHORIZATION.

1. The general assembly authorizes the division to implement the Iowa healthy kids program. The division shall have all powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any person and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of the program.

2. The program shall operate initially on a pilot project basis to include urban and rural areas. Expansion beyond the initial pilot project is subject to authorization by law.

3. Implementation of the program shall be limited to the extent of the funding appropriated for the purposes of the program.

Sec. 43. NEW SECTION. 514I.3 IOWA HEALTHY KIDS PROGRAM OBJECTIVES.

The division shall develop a program to attain all of the following objectives:

1. Organize groupings of children for provision of comprehensive health benefits or insurance coverage.

2. Arrange for the collection of any payment or premium, in an amount to be determined by the division. The payment or premium shall be collected from a family of a participating child or other person to provide for payment for health care services or premiums for comprehensive health benefits or insurance coverage and for the actual or estimated administrative expenses incurred during the period for which the payments are made. The amount of payment or premium charged shall be based on the ability of the family of a child to pay. The division shall provide for adjustment of the amount charged to reflect contributions, public subsidy, or other means used to defray the amount charged.

3. Establish administrative and accounting procedures for the operation of the program.

4. Establish, in consultation with appropriate professional organizations, standards for health care services, providers, and comprehensive health benefits or insurance coverage appropriate for children and their family members.

5. Establish eligibility criteria which children and their family members must meet in order to participate in the program.

6. Establish participation criteria for the program and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance or benefits administrator to provide administrative services to the program.

7. Contract with authorized insurers, benefits providers, or any provider of health care services meeting standards established by the division, for the provision of comprehensive health benefits or insurance coverage and health care services to participants.

8. Develop and implement a plan to publicize the program, eligibility requirements of the program, and procedures for enrollment in the program and to maintain public awareness of the program.

9. Provide for administration of the program.

10. As appropriate, enter into contracts with local school boards or other agencies to provide on-site information, enrollment, and other services necessary to the operation of the program.

11. Provide an interim report on or before March 1, 1997, to the governor and general assembly, on the development of the program to date and an annual report thereafter until the program is terminated or extended statewide.

Sec. 44. NEW SECTION. 514I.4 ADVISORY COUNCIL.

1. The division may create an advisory council to assist the division in implementing the program. The advisory council membership may include, but is not limited to, the following:

- a. A school administrator.
- b. A member of a school board.
- c. An employee of the state or local government in public health services.
- d. A pediatrician who is a member of the American academy of pediatrics, Iowa chapter.
- e. The director of human services or the director's designee.
- f. A member of the association of Iowa hospitals and health systems.
- g. A representative of authorized health care insurers or health maintenance organizations.
- h. A representative of a university center for health issues.
- i. A family practice physician who is a member of the Iowa academy of family physicians.
- j. A school nurse who is a member of the Iowa nurses association.
- k. The director of public health or the director's designee.
- l. A citizen who is knowledgeable concerning health care and children's issues.
- m. A citizen who is a parent with children at home who is active in a school-parent organization.

2. Advisory council members are entitled to receive, from funds of the division, reimbursement for actual and necessary expenses incurred in the performance of their official duties.

Sec. 45. NEW SECTION. 514I.5 LICENSING NOT REQUIRED -- FISCAL OPERATION.

1. Health benefits or insurance coverage obtained under the program is secondary to any other available private or public health benefits or insurance coverage held by the participant child. The division may establish procedures for coordinating benefits under this program with benefits under other public and private coverage.

2. The program shall not be deemed to be insurance. However, the insurance division may require that any marketing representative utilized and compensated by the program be appointed as a representative of the insurers or health benefits services providers with which the program contracts.

Sec. 46. NEW SECTION. 514I.6 THE IOWA HEALTHY KIDS TRUST FUND.

1. An Iowa healthy kids trust fund is created in the state treasury under the authority of the commissioner of insurance, to which all appropriations shall be deposited and used to carry out the purposes of this chapter. Other revenues of the program such as grants, contributions, matching funds, and participant payments shall not be considered revenue of the state, but rather shall be funds of the program. However, the division may designate portions of grants, contributions, matching funds, and participant payments as funds of the state and deposit those funds in the trust fund.

2. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

Sec. 47. NEW SECTION. 514I.7 ACCESS TO RECORDS – CONFIDENTIALITY – PENALTIES.

1. Notwithstanding any other law to the contrary, the program shall have access to the medical records of a child who is participating or applying to participate in the program upon receipt of permission from a parent or guardian of the child, including but not limited to the medical records maintained by the state or a political subdivision of the state. Notwithstanding chapter 22, any identifying information, including medical records and family financial information, obtained by the program pursuant to this subsection is confidential. Except as provided in section 252B.9, chapter 252E, or any federal law or regulation to the contrary, the program, the program's employees, and agents of the program shall not release, without the written consent of the participant or the parent or guardian of the participant, to any state or federal agency, to any private business or person, or to any other entity, any confidential information received pursuant to this subsection.

2. A violation of the provisions of subsection 1 is a serious misdemeanor.

Sec. 48. FEDERAL WAIVERS.

1. The department of human services shall submit a waiver request or requests to the United States department of health and human services as necessary to implement the changes in the family investment program and host home provisions under section 239.23 as enacted by this Act. In addition, the department may submit additional waiver requests to the United States department of health and human services to make changes to the medical assistance program under chapter 249A, as necessary to revise the program in accordance with any waiver provision implemented pursuant to section 239.23.

2. The waiver request or requests submitted by the department of human services to the United States department of health and human services shall be to apply the provisions of section 239.23 statewide. If federal waiver approval of the provisions is granted, the department of human services shall implement the provisions in accordance with the federal approval. If an approved waiver is in

conflict with a provision of state law, the waiver provision shall apply and the department shall propose an amendment to resolve the conflict. The proposed amendment shall be submitted in accordance with the provisions of section 2.16 to the Seventy-seventh General Assembly.

3. The department of human services shall adopt administrative rules pursuant to chapter 17A to implement the provisions of an approved waiver. If necessary to conform with federal waiver terms and conditions or to efficiently administer the provisions, the rules may apply additional policies and procedures which are consistent with the provisions of the approved waiver.

4. The effective date of a waiver requested under this section which is granted by the federal government shall be established by rule but shall not be earlier than July 1, 1997. If federal law is enacted to permit the state to implement a provision of section 239.23 without a federal waiver, the department shall proceed to implement the provisions within the timeframe specified in this subsection.

Sec. 49. EMERGENCY RULES. If specifically authorized by a provision of this Act, the department of human services or the mental health and mental retardation commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 50. EFFECTIVE DATE. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 4, subsection 2, relating to the mental health managed care program.
2. Section 6, subsection 13, relating to moneys appropriated in 1996 Iowa Acts, House File 2114.
3. Section 10, subsection 18, relating to expenditure of federal funds for child and family services.
4. Section 27, relating to appropriations reductions."

ON THE PART OF THE HOUSE

HUBERT HOUSER, Chair
 RICHARD ARNOLD
 DANNY CARROLL
 ED FALLON
 PAM JOCHUM

ON THE PART OF THE SENATE

JOHNIE HAMMOND, Chair
 PATRICK J. DELUHERY
 ELAINE SZYMONIAK
 NANCY BOETTGER
 MAGGIE TINSMAN

The motion prevailed and the report was adopted.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2442)

The ayes were, 87:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brammer
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Metcalf	Millage	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 5:

Brunkhorst	Coon	Kreiman	Meyer
Moreland			

Absent or not voting, 8:

Boddicker	Dinkla	Eddie	Holveck
Mertz	Myers	Rants	Salton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2442** be immediately messaged to the Senate.

SENATE MESSAGE CONSIDERED

Senate File 2470, by committee on appropriations, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions,

studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

Read first time and referred to committee on **appropriations**.

The House stood at ease at 7:53 p.m., until the fall of the gavel.

The House resumed session at 8:26 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 30, 1996, adopted the conference committee report and passed House File 2458, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2421)**

Millage of Scott called up for consideration the report of the conference committee on House File 2421 and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE ON
HOUSE FILE 2421**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2421, a bill for An Act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5960.

2. That House File 2421, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 2, by inserting after line 20 the following:

"8. For automating the oversize vehicle permitting system authorized under chapter 321E in order to improve communication between carriers and the department regarding changing road conditions, including construction zones:

..... \$ 125,000

9. For joining the I-35 corridor coalition:

..... \$ 150,000

This appropriation is contingent upon appointment of the membership of the Iowa delegation in accordance with the following:

a. Four shall be legislative members of the general assembly. One member shall be appointed by the speaker of the house of representatives, one member shall be appointed by the minority leader of the house of representatives, one member shall be appointed by the majority leader of the senate, and one member shall be appointed by the minority leader of the senate.

b. Two shall be appointed by the governor."

2. Page 3, by inserting after line 14 the following:

"g. For construction, reconstruction, and maintenance of the state highway system as appropriated for in chapter 313:

..... \$ 300,000,000

It is the intent of the general assembly, that if additional moneys become available to the primary road fund, the state transportation commission may expend the funds pursuant to section 313.4."

3. Page 4, by striking lines 15 and 16 and inserting the following:

"b. For field garage facilities in Anamosa and Southeast Des Moines:

..... \$ 1,500,000"

4. Page 4, by striking line 30 and inserting the following: "the highway construction program and highway".

5. Page 5, line 2, by inserting after the figure "1996." the following: "The department shall include input from department employees who are members of a statewide employee organization on the effects of implementation of these recommendations on job-related activities and employee displacement."

6. Page 5, by inserting after line 2 the following:

"Sec. ____ DIRECTIVES TO STATE DEPARTMENT OF TRANSPORTATION.

1. The state department of transportation shall establish a maintenance standard, equivalent to the department's "c" classification for maintenance, on state highways located between population centers of ten thousand or more persons.

2. The state department of transportation shall consider the location of the Iowa communication network's underground facilities and other telecommunication underground facilities when engineering road construction and repair projects and, where possible, shall engineer projects to minimize relocation of Iowa communications network underground facilities and other telecommunication underground facilities.

3. The state department of transportation shall take affirmative action to resolve the safety issues associated with access on highway 218, located between Ainsworth and Riverside, by students to schools located in the Highland community school district."

7. Page 7, by inserting after line 14, the following:

"5. The state board of regents may use any available resources for planning the renovation of Lang hall at the university of northern Iowa."

8. Page 7, line 19, by striking the word "amount" and inserting the following: "amounts".

9. Page 7, line 20, by striking the word "purpose" and inserting the following: "purposes".

10. Page 7, line 21, by inserting before the word "For" the following: "1."

11. Page 7, by inserting after line 23 the following:

"2. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:

..... \$ 3,179,500

DEPARTMENT OF CULTURAL AFFAIRS

Sec. __. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be allocated to an Iowa project that has received a national endowment for the humanities award for a museum and discovery center:

..... \$ 500,000

Allocation of moneys pursuant to this section shall be contingent upon a two-to-one matching contribution of private moneys.

It is the intent of the general assembly that an additional \$500,000 shall be appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1997, for completion of the project in this section.

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1997, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1997.

DEPARTMENT OF EDUCATION

Sec. __. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of education for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For southwestern community college for construction of a rural heritage center:

..... \$ 500,000

Funding for the rural heritage center shall be contingent upon receipt of matching contributions from any other source. The matching contributions may be in the form of real property to house the center and shall be valued at the property's fair market value. It is the intent of the general assembly that an additional \$500,000 shall be appropriated for the fiscal year beginning July 1, 1997.

2. For improvement and maintenance of institutional roads on community college campuses:

..... \$ 600,000

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1997, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1997."

12. By striking page 7, line 25, through page 8, line 23, and inserting the following:

"Sec. 50. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the following purpose:

To provide for the renovation and repair of the soldiers and sailors monument of the civil war and the Allison monument located on the state capitol complex:

..... \$ 200,000

Of the appropriation in this section, \$50,000 shall be used for renovation and repair of the Allison monument located on the state capitol complex. An effort shall be made by the department of education to match this appropriation from the citizens and the school children of Iowa as occurred when the monument was initially built.

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1998, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1998.

Sec. 51. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the following purpose:

To provide for the planning, siting, and construction of a world war II veterans memorial:

..... \$ 200,000

1. The moneys appropriated in this section may be used to match nonstate funds for the planning, siting, and construction of the memorial. The state match shall be \$2 of state money for each \$3 of nonstate money.

2. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1998, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1998.

Sec. __. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For major maintenance needs including health, life, and fire safety and for compliance with the federal Americans with Disabilities Act for state-owned buildings and facilities:

..... \$ 6,500,000

2. For critical and deferred maintenance at Terrace Hill:

..... \$ 150,000

As a condition of receiving this appropriation, private matching funds must be contributed on a dollar-for-dollar basis.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2001, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 2001.

Sec. __.

1. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal period beginning July 1, 1996, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the projects in the amounts and for the fiscal years as designated in subsection 2:

a. For the fiscal year beginning July 1, 1996, and ending June 30, 1997:

..... \$ 20,700,000

b. For the fiscal year beginning July 1, 1997, and ending June 30, 1998:

..... \$ 14,600,000

c. For the fiscal year beginning July 1, 1998, and ending June 30, 1999:

..... \$ 3,900,000

2. a. For exterior state capitol building restoration:

(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:

..... \$ 9,300,000

(2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:

..... \$ 7,600,000

b. For interior state capitol building restoration:

(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:

..... \$ 2,800,000

(2) For the fiscal year beginning July 1, 1998, and ending June 30, 1999:

..... \$ 2,300,000

c. For renovation of the old historical building:

(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:

..... \$ 5,400,000

(2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:

..... \$ 4,100,000

(3) For the fiscal year beginning July 1, 1998, and ending June 30, 1999:

..... \$ 1,600,000

d. For renovation of the Lucas tunnel:

- (1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:
 \$ 100,000
- (2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:
 \$ 400,000

e. For renovation of the Lucas state office building:

- (1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:
 \$ 3,100,000
- (2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:
 \$ 2,500,000

It is the intent of the general assembly that the first and second floors of the Lucas state office building shall be used primarily by the general assembly and other legislative agencies.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2001, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 2001.

DEPARTMENT OF HUMAN SERVICES

Sec. __. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For training, maintenance, and upgrades of computer software:
 \$ 818,000
2. For the development costs of the "X-PERT" knowledgebased computer software package for public assistance benefit eligibility determination, including salaries, support, maintenance, and miscellaneous purposes:
 \$ 790,000

Moneys appropriated in this section shall be considered encumbered for the purposes of section 8.33."

13. Page 9, by inserting after line 3 the following:

"Sec. __. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the following purpose:

- For the rehabilitation, preservation, and continued use of state park facilities, including low-head dams and historic buildings, appurtenant structures, and utilities built by the civilian conservation corps (CCC) or the works progress administration (WPA):
 \$ 3,000,000

All rehabilitation and preservation of CCC or WPA buildings funded by this appropriation shall conform to the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings. Where feasible, the department shall encourage the use of youth employment for rehabilitation and preservation efforts provided for in this section.

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1999, from the funds appropriated in this section; shall revert to the rebuild Iowa infrastructure fund on August 31, 1999."

14. Page 9, line 21, by striking the word "amount" and inserting the following: "amounts".

15. Page 9, line 22, by striking the word "purpose" and inserting the following: "purposes".

16. Page 9, line 23, by inserting before the word "To" the following: "1."

17. Page 9, by inserting after line 30 the following:

"2. For costs associated with the maintenance of the automated fingerprint information system (AFIS):

..... \$ 222,155"

18. Page 10, line 20, by striking the figure "1997" and inserting the following: "1998".

19. Page 10, line 22, by striking the figure "1997" and inserting the following: "1998".

20. Page 10, by inserting after line 22 the following:

"Sec. __. It is the intent of the general assembly that \$1,400,000 shall be appropriated from the rebuild Iowa infrastructure fund to the commission of veterans affairs for fiscal year 1997-1998 for additional funding for food preparation and dining room expansion. However, the additional funding shall be contingent upon receiving notification from the United States department of veterans affairs that federal funds have also been appropriated to the commission for that expansion."

21. By striking page 10, line 23 through page 11, line 24.

22. By striking page 11, line 32, through page 12, line 2, and inserting the following:

"For renovation and restoration of the grandstand, the cattle barn, the horse barn, the swine barn, and for improvements to sewer, water, and electrical systems located on the state fairgrounds:

..... \$ 5,000,000"

23. Page 12, by inserting after line 18 the following:

"Sec. __. Section 8.22A, subsection 5, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

a. The amount of lottery revenues for the following fiscal year to be available for disbursement following the deductions made pursuant to section 99E.10, subsection 1.

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic

emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection 5, paragraph "e".

Sec. 300. Section 8.57, subsection 5, paragraph c, Code Supplement 1995, is amended to read as follows:

c. Moneys in the fund in a fiscal year shall be used as directed by the general assembly for public ~~infrastructure-related expenditures~~ vertical infrastructure projects. For the purposes of this subsection, "vertical infrastructure" includes only land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails. "Vertical infrastructure" does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement. However, appropriations may be made for the fiscal years beginning July 1, 1997, and July 1, 1998, for the purpose of funding the completion of Part III of the Iowa communications network.

Sec. 400. Section 8.57, subsection 5, Code Supplement 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal years beginning July 1, 1995, and July 1, 1996, not more than a total of sixty million dollars; for the fiscal year beginning July 1, 1997, not more than fifty million dollars; for the fiscal year beginning July 1, 1998, not more than forty million dollars; and for the fiscal year beginning July 1, 1999, and for each fiscal year thereafter, not more than thirty-two million, five hundred thousand dollars; shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11. The total moneys in excess of the moneys deposited in the general fund in a fiscal year shall be deposited in the infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60."

24. Page 12, by inserting after line 30 the following:

"Sec. . NEW SECTION. 18A.12 STATE CAPITOL VIEW PRESERVATION.

The department of general services shall develop a state capitol view preservation plan. The purpose of the plan shall be to ensure that the most scenic views of the state capitol remain unobstructed by the erection of structures, including but not limited to buildings, towers, and monuments.

The plan shall include proposals for height and setback limitations of structures erected within the state capitol view, and shall include appropriate drawings, schematics, and aerial photographs necessary to establish the plan with sufficient clarity and definition.

The department shall negotiate implementation of the plan with the city of Des Moines with the goal of entering into a memorandum of understanding in relation to the plan. The department shall provide the governor and the capitol planning commission with quarterly reports regarding progress made on the capitol view preservation plan and execution of the memorandum of understanding."

25. Page 16, by inserting after line 27 the following:

"Sec. . Section 307.10, subsection 1, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. Develop and coordinate an updated comprehensive transportation policy

for the state by January 15, 1997. The policy shall be submitted to the general assembly for approval, modification, or rejection. Future revisions to the policy shall be submitted to the general assembly for its approval.

b. A comprehensive transportation plan which is based upon the updated comprehensive transportation policy shall be submitted to the governor and the general assembly annually on January 15."

26. Page 16, by inserting after line 29 the following:

"Sec. __. Section 465B.4, subsection 1, Code 1995, is amended to read as follows:

1. Funds appropriated by the general assembly. There shall be appropriated from the rebuild Iowa infrastructure fund of the state to the state department of transportation, beginning July 1, 1996, and each fiscal year thereafter, one million dollars to be used for the purposes of this chapter.

Sec. 500. Section 602.8108, subsection 2, Code 1995, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in ~~subsection~~ subsections 4 and 5, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative fiscal bureau within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 501. Section 602.8108, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The state court administrator shall allocate all of the fines and fees attributable to commercial vehicle violation citations issued by motor vehicle division personnel of the state department of transportation to the treasurer of state for deposit in the road use tax fund. However, the fines and fees to be deposited under this subsection, shall not be deposited in the road use tax fund unless and until the deposit to the Iowa prison infrastructure fund provided for in section 602.8108A has been made."

27. Page 17, by striking lines 14 through 24 and inserting the following:

"Sec. __. STATE GENERAL FUND BUDGET INCLUSIONS. For the fiscal year beginning July 1, 1997, and each fiscal year thereafter, the department of personnel, the auditor of state, the attorney general's office, the department of inspections and appeals, the department of management, and the department of revenue and finance shall request appropriations from the general fund of the state that are currently appropriated or reimbursed from the road use tax fund, primary road fund, motor vehicle use tax receipts, or from motor fuel taxes.

Sec. __. SOYDIESEL DEMONSTRATION PROJECTS.

1. The state department of transportation shall conduct a soydiesel demonstration project by operating diesel-fueled vehicles with soydiesel fuel for a period of one year. For purposes of this section, "soydiesel fuel" means a mixture of diesel fuel and processed soybean oil, if at least 5 percent of the mixed fuel by volume is processed soybean oil. The department shall evaluate the performance of the vehicles, including the rate of repairs and comments from persons operating and

maintaining the vehicles.

2. The department shall report the findings of the demonstration project and any recommendations to the general assembly, to the chairpersons and ranking members of the senate and house of representatives standing committees on agriculture and to the renewable fuels and coproducts advisory committee, by October 1, 1997.

3. Prior to the allocation under section 423.24, subsection 1, paragraph "b", one hundred thousand dollars shall be allocated to the state department of transportation for purposes of the demonstration project under this section. Notwithstanding section 8.33, funds allocated under this section shall remain available for expenditure until June 30, 1998. Unobligated or unencumbered funds remaining on June 30, 1998, shall be credited to the value-added agricultural products and processes financial assistance fund under section 15E.112.

Sec. 200. SOYDIESEL - NONREVERSION. Notwithstanding 1994 Iowa Acts, chapter 1119, section 32, subsection 2, paragraph "d", as amended by 1995 Iowa Acts, chapter 216, section 34, moneys remaining unexpended or unobligated on June 30, 1996, shall not be credited to the value-added agricultural products and processes financial assistance fund, but shall be allocated to the state department of transportation for the purposes of continuing the soydiesel demonstration project as provided for in this Act.

Sec. __. VERTICAL INFRASTRUCTURE DEFINITION TASK FORCE. The department of general services shall coordinate a vertical infrastructure definition task force for the purpose of reviewing and providing recommendations to further refine the definition of vertical infrastructure as it is contained in section 8.57, subsection 5, paragraph "c". The task force shall consist of the following members:

1. The director of the department of general services or the director's designee, who shall be the chairperson of the task force.
2. A member who is a consulting engineer, appointed by the governor.
3. A representative from the association of business and industry.
4. A representative from the master builders.
5. A representative from the Iowa chapter, national electrical association.
6. A representative from Iowa state university.
7. Two members from the general assembly, who shall be the chairpersons of the joint appropriations subcommittee on transportation, infrastructure, and capitals or the chairpersons' designees.

The task force shall make recommendations to the general assembly for proposed changes to the definition of vertical infrastructure by December 15, 1997.

Sec. __. INFRASTRUCTURE STUDY. The legislative council is requested to study the issue of creating a board to evaluate and prioritize expenditure of moneys from the rebuild Iowa infrastructure fund and to study the issue of establishing a financing mechanism to provide local governments with assistance to finance infrastructure improvements and to provide a dedicated funding stream to be allocated to the rebuild Iowa infrastructure fund. The purpose of the study is to provide recommendations regarding members of the board and a process for determining expenditures and to recommend a financing mechanism and a dedicated

funding source to provide infrastructure assistance to local governments. Consideration shall be given to providing for the participation of the department of general services, the department of management, and the Iowa state university of science and technology's department of construction engineering in the study. Results of the study shall be provided to the legislative council by January 31, 1997.

Sec. __. LOCAL INFRASTRUCTURE, BONDING AND STATE FINANCIAL ASSISTANCE NEEDS INTERIM STUDY. The legislative council is requested to establish an interim committee to study the issue of local infrastructure and associated bonding and state financial assistance needs. The committee shall assess the state of local infrastructure and the resources which local governments have available to assist in providing for long-term infrastructure needs including a study of the approval requirements for local bond referendums.

Sec. __. STATE GOVERNMENT - SPACE ALLOCATION STUDY. The department of general services, in consultation with the department of management, and the legislative council shall study and make an assessment of the space allocation needs for all state agencies and entities in all areas of state government. The study shall make a determination of the feasibility of eliminating or reducing leased office space and of relocating various areas of state government outside of the Des Moines metropolitan area. The goal of this relocation effort shall be to provide at least fifty percent of the projected off-complex space needs in areas located outside of the Des Moines metropolitan area. The relocation shall only be considered in areas that would provide connections with the Iowa communications network. The fifty-percent relocation calculation shall not include the state department of transportation complex located in Ames.

Sec. __. REBUILD IOWA INFRASTRUCTURE FUND - CONTINGENCY APPROPRIATION. If the rebuild Iowa infrastructure fund does not receive an appropriation from the operation of section 8.57, subsection 5, paragraph "e", in an amount equivalent to at least \$48,400,000, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, moneys in an amount equivalent to the difference shall be appropriated from the moneys transferred to the general fund of the state pursuant to section 8.55, subsection 2, for the fiscal year beginning July 1, 1996.

Sec. __. LEGISLATIVE FISCAL BUREAU ESTIMATES. The legislative fiscal bureau shall provide yearly estimates of the annual operating costs for operation of proposed buildings to be constructed from funds provided from the rebuild Iowa infrastructure fund. The estimates shall be presented to the legislative fiscal committee and to the joint appropriations subcommittee on transportation, infrastructure, and capitals.

Sec. __. ACCESS IOWA HIGHWAYS - INTENT - REPORT.

1. INTENT. It is the intent of the general assembly to formulate an access Iowa plan which shall designate portions of the commercial and industrial network of highways as access Iowa highways. The goal of the access Iowa plan shall be to enhance the existing Iowa economy and ensure its continuing development and growth in the national and global competitive marketplace by providing for early completion of the construction of the most important portions of the Iowa highway system. These portions of the system shall be those that are essential for support of intrastate transportation and commerce and essential for ensuring Iowans direct access to the nation's system of interstate highways and transportation services.

The general assembly's past actions are consistent with the access Iowa plan. The general assembly has set general policy guidelines for the state transportation commission's planning and programming development, directed that road service

be equalized throughout the state, determined that a commercial and industrial network of highways would benefit Iowa transportation services, directed the commission to focus at least part of their legislatively provided resources on the commercial and industrial network, and directed that the commission consider equalization of accessibility for economic development as one of the factors in establishing its plan and program priorities for the commercial and industrial network. These actions recognize that interstate commerce and national economic development are furthered and supported by the national system of interstate and defense highways and the national highway system, and that Iowa commerce and economic development are supported by Iowa's commercial and industrial network of highways.

2. **ACCESS IOWA HIGHWAY DESIGNATION.** The state department of transportation shall designate portions of the commercial and industrial network of highways as access Iowa highways and shall expedite and accelerate development of access Iowa highways. When designating those portions of the commercial and industrial network as access Iowa highways, the department shall consider the direct and priority linkages between economic centers within the state with populations of 20,000 or more and the enhancement of intrastate mobility and Iowa regional accessibility and national accessibility.

3. **REPORT.** The state department of transportation shall provide a report to the general assembly by January 15, 1997, designating which portions of the commercial and industrial network of highways the department determines to be access Iowa highways. The department shall list the highway improvements necessary to provide modern and safe four-lane highway service on access Iowa highways. The report shall include program changes and options needed to enable the early, rapid, expedited, and accelerated completion of the development of access Iowa highways, including funding and other support necessary to ensure the early completion of the construction of the access Iowa highways.

DIVISION IV

PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM

Sec. . NEW SECTION. 15E.175 PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM.

1. The Iowa department of economic development shall establish a physical infrastructure financial assistance program to provide financial assistance for business or community physical infrastructure development or redevelopment projects. Physical infrastructure projects that create the necessary infrastructure for economic success throughout Iowa, that provide the opportunity for the creation of quality, highwage jobs, and that involve substantial capital investment may be eligible for financial assistance under the program provided, however, that the project could not be assisted through or eligible for financial assistance from other existing private, local, or state funds or programs. Physical infrastructure development or redevelopment projects include, but are not limited to, projects involving any mode of transportation infrastructure, public works and utilities such as sewer, water, power or telecommunications, physical improvements which mitigate, prevent or eliminate environmental contaminants, and any other project deemed appropriate by the department.

2. A physical infrastructure assistance fund is created within the state treasury under the control of the Iowa department of economic development.

a. The fund shall include any moneys appropriated to the fund by the general assembly, payments of interest earned, recaptures of awards, repayments of moneys loaned or expended from the physical infrastructure assistance program, and any other moneys designated by the department for placement in the fund.

b. The fund shall be used for the following:

(1) To provide reimbursement to the department of natural resources for activities related to physical infrastructure assistance projects under this section.

(2) To provide financial assistance for qualifying projects.

(3) To provide funding for any other purpose consistent with this section and deemed appropriate by the department.

c. Section 8.33 shall not apply to the physical infrastructure assistance fund. Notwithstanding section 12C.7, interest earned on moneys in the fund shall be credited to the fund.

3. The department shall establish procedures and guidelines for the physical infrastructure assistance program and shall proceed in accordance with the following:

a. Consult with and coordinate with the state department of transportation, the department of natural resources, and any other appropriate state agency which is responsible for the development or redevelopment of physical infrastructure in this state to ensure that activities conducted pursuant to this section are consistent with the policies and plans of other state agencies and are coordinated with other physical infrastructure projects.

b. Provide financial assistance in the form of a loan, forgivable loan, loan guarantee, cost-share, indemnification of costs, or any combination of financial assistance deemed by the department to be most efficient in facilitating the physical infrastructure project.

c. Enter into contracts and to sue and be sued. However, the department shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

d. Authorize payment of costs, commissions, attorney fees, consultant fees, and other reasonable expenses from the fund. Expenses may include costs relating to carrying out the duties necessary for insuring or guaranteeing loans, co-sharing or indemnifying costs under the physical infrastructure financial assistance program, and for the recovery of loans insured or guaranteed, costs co-shared or indemnified, or the management of property acquired in connection with such loans or costs.

e. Adopt administrative rules necessary to carry out the provisions of this section.

Sec. __. **NEW SECTION. 455B.433 PHYSICAL INFRASTRUCTURE ASSISTANCE - FUNDING - LIABILITY.**

1. The department of natural resources shall work in conjunction with the Iowa department of economic development to identify environmentally contaminated sites which qualify for the physical infrastructure assistance program under section 15E.175. The department shall provide an assessment of the site and shall provide any emergency response activities which the department deems necessary. The department may take any further action, including remediation of the

site, that the department deems to be appropriate and which promotes the purposes of the physical infrastructure assistance program.

2. The department shall be reimbursed from the physical infrastructure assistance fund under section 15E.175 for any costs incurred pursuant to this section. Notwithstanding the limitations of chapter 455G, any costs incurred on a site contaminated by a leaking underground storage tank may be reimbursed from the Iowa comprehensive petroleum underground storage tank fund.

3. A person shall not have standing pursuant to section 455B.111 to commence a citizen suit which is based upon property that is part of the physical infrastructure assistance program pursuant to section 15E.175.

Sec. __. There is appropriated from the rebuild Iowa infrastructure fund of the state to the Iowa department of economic development for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be deposited in the physical infrastructure assistance fund created in section 15E.175:

..... \$ 2,000,000

Sec. __. There is appropriated from the rebuild Iowa infrastructure fund of the state to the Iowa department of economic development for the fiscal years beginning July 1, 1996, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be deposited in the physical infrastructure assistance fund created in section 15E.175 and used only in accordance with subsection 3:

1. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount:

..... \$ 3,900,000

2. For the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount:

..... \$ 6,100,000

3. The moneys appropriated in this section shall be used only for providing assistance in the form of loan guarantees, irrevocable letters of credit, and indemnification for liability agreements entered into prior to October 15, 1996. Moneys appropriated in this section shall not be allocated by the Iowa department of economic development unless the legislative fiscal committee has approved the allocation.

Sec. __. Notwithstanding the allocation of moneys pursuant to section 455B.423, subsection 2, the first two hundred thousand dollars of moneys allocated to the hazardous substance remedial fund for the fiscal year beginning July 1, 1996, and ending June 30, 1997, shall be transferred to the physical infrastructure assistance fund created under section 15E.175.

DIVISION V

Sec. __. Section 232.52, subsection 2, paragraph a, subparagraph (4), Code Supplement 1995, is amended to read as follows:

(4) The suspension or revocation of the motor vehicle license or operating privilege of the child, for a period of one year, for the commission of one or more delinquent acts which are a violation of section any of the following:

(a) Section 123.46, section,

(b) Section 123.47 regarding the purchase or attempt to purchase of alcoholic

(c) Chapter 124, or two,

(d) Section 126.3.

(e) Chapter 453B.

(f) Two or more delinquent acts which are a violation violations of section 123.47 regarding the possession of alcoholic beverages for a period of one year.

SUBPARAGRAPH DIVIDED. The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

Sec. __. Section 321.205, unnumbered paragraph 2, Code 1995, is amended by striking the paragraph.

Sec. __. Section 321.209, subsection 8, Code 1995, is amended by striking the subsection.

Sec. __. Section 321.212, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. The department shall revoke a motor vehicle license ~~under section 321.209, subsection 8, according to an order issued pursuant to section 901.5, subsection 10,~~ for one hundred eighty days. If the person has not been issued a motor vehicle license, the issuance of a motor vehicle license shall be delayed for one hundred eighty days after the person is first eligible. If the person's operating privileges have been suspended or revoked at the time the person is convicted, the one-hundred-eighty-day revocation period shall not begin until all other suspensions or revocations have terminated.

Sec. __. Section 321.213, Code Supplement 1995, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an a dispositional order at the conclusion of an adjudicatory hearing ~~suspending or revoking the motor vehicle license or operating privileges of the juvenile under section 232.47 that the child violated a provision of this chapter or chapter 124, 126, 321A, 321J, or 453B for which the penalty is greater than a simple misdemeanor 232.52, subsection 2, paragraph "a",~~ the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication and the dispositional order to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter, ~~chapter 124, a drug offense under section 126.3, or chapter 321A, or 321J, or 453B~~ constitutes a final conviction for purposes of section 321.189, subsection 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4. ~~However, suspensions for violations of chapter 124, section 126.3, or chapter 453B shall be in accordance with section 321.213A.~~

Sec. __. Section 321.213A, Code Supplement 1995, as amended by 1996 Iowa Acts, Senate File 2080, section 20, is amended to read as follows:

321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an a dispositional order at the conclusion of a dispositional hearing ~~under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alco-~~

~~holic beverages, chapter 124, section 126.3, chapter 453B, or a second or subsequent violation of section 232.52, subsection 2, paragraph "a", the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and the dispositional order suspending or revoking the motor vehicle license or operating privileges of the juvenile to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license or permit, if eligible, as provided in section 321.215.~~

Sec. __. Section 321.215, subsection 1, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

However, a temporary restricted license shall not be issued to a person whose license is ~~revoked under section 321.205 for a drug or drug-related offense or pursuant to a court order issued under section 901.5, subsection 10, or under section 321.209, subsections 1 through 5 or subsection 7, or 8 or to a juvenile whose license has been suspended under section 321.213A or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a",~~ for a violation of chapter 124 or 453B, or section 126.3. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. __. Section 321.215, subsection 2, unnumbered paragraph 1, Code Supplement 1995, as amended by 1996 Iowa Acts, Senate File 2266, section 17, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's motor vehicle license under ~~section 321.205 for a drug or drug-related offense; 321.209, subsection 5, or 6, or 8; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a motor vehicle license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended under section 321.213A or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a",~~ for a violation of chapter 124 or 453B, or section 126.3, a person may petition the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

Sec. __. Section 321.215, subsection 2, paragraph d, Code Supplement 1995, is amended to read as follows:

d. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the motor vehicle license was suspended under section 321.210A or 321.513 or ~~revoked under section 321.209, subsection 8, or suspended or revoked under section 321.205 for a drug or drug-related offense pursuant to a court order issued under section 901.5, subsection 10.~~

Sec. __. Section 321.491, unnumbered paragraph 7, Code 1995, is amended by striking the paragraph.

Sec. __. Section 321A.17, subsection 5, Code Supplement 1995, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation ~~under section 321.205 for a drug or drug-related offense, section 321.209, subsection 8, pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.194, or following a period of revocation pursuant to a court order issued under section 901.5, subsection 10, or under section 321J.2A,~~ is not required to maintain proof of financial responsibility under this section.

Sec. __. Section 901.5, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 10. In addition to any sentence imposed pursuant to chapter 902 or 903, the court shall order the state department of transportation to revoke the defendant's driver's license or motor vehicle operating privilege for a period of one hundred eighty days, or to delay the issuance of a motor vehicle license for one hundred eighty days after the person is first eligible if the defendant has not been issued a motor vehicle license, and shall send a copy of the order in addition to the notice of conviction required under section 124.412, 126.26, or 453B.16, to the state department of transportation, if the defendant is being sentenced for any of the following offenses:

- a. A controlled substance offense under section 124.401, 124.401A, 124.402, or 124.403.
- b. A drug or drug-related offense under section 126.3.
- c. A controlled substance tax offense under chapter 453B.

If the person's operating privileges are suspended or revoked at the time of sentencing, the order shall provide that the one hundred eighty-day revocation period shall not begin until all other suspensions or revocations have terminated. Any order under this section shall also provide that the department shall not issue a temporary restricted license to the defendant during the revocation period, without further order by the court.

Sec. __. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI

Sec. __. **REPEAL.** Section 312.2A, Code 1995, is repealed.

Sec. __. **RETROACTIVITY, EFFECTIVE DATE, AND APPLICABILITY PROVISIONS.**

1. Sections 50, 51, and 200 of this Act, being deemed of immediate importance, take effect upon enactment.
2. Section 300 of this Act, takes effect July 1, 1997.
3. Section 400 of this Act, amending section 8.57, subsection 5, Code Supplement 1995, by adding new paragraph "e", being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1995.
4. Sections 500 and 501 of this Act amending section 602.8108 are effective July 1, 1997."

28. Page 17, line 25, by striking the words and figures "13, subsection 3, and".

29. Page 17, by striking line 26 and inserting the following: "25, being deemed of immediate importance, takes effect upon enactment."

30. Title page, by striking lines 5 and 6 and inserting the following: "rebuild Iowa infrastructure fund, providing for certain procedures for revocation or suspension of drivers' licenses for certain drug-related offenses, construction projects for the".

31. By renumbering as necessary.

ON THE PART OF THE HOUSE

DAVID MILLAGE, Chair
CLYDE BRADLEY
BARRY BRAUNS
DENNIS COHOON
STEVE WARNSTADT

ON THE PART OF THE SENATE

ROD HALVORSON, Chair
MICHAEL GRONSTAL
JOHN JENSEN
LARRY MURPHY

Warnstadt of Woodbury rose on a point of order in invoked rule 39A, relating to consideration of conference committee reports.

The Speaker ruled the point well taken and the conference committee report on House File 2421 not in order.

Millage of Scott asked for unanimous consent to consider the conference committee report on House File 2421.

Objection was raised.

Millage of Scott moved to consider the conference committee report on House File 2421.

A non-record roll call was requested.

The ayes were 51, nays 29.

The motion prevailed and the House considered the conference committee report on House File 2421.

On motion by Millage of Scott, the conference committee report was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2421)

The ayes were, 90:

Arnold
Blodgett
Branstad
Cataldo

Baker
Boggess
Brauns
Churchill

Bell
Bradley
Burnett
Cohoon

Bernau
Brand
Carroll
Connors

Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Doderer	Drake	Drees
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Mundie	Murphy	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 3:

Brunkhorst	Fallon	Moreland
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Absent or not voting, 7:

Boddicker	Brammer	Dinkla	Eddie
Mertz	Myers	Salton	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2421** be immediately messaged to the Senate.

HOUSE RECEDES

Blodgett of Cerro Gordo called up for consideration **Senate File 2140**, a bill for an act increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date, and moved that the House recede from its amendment.

The motion prevailed and the House receded.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2140)

The ayes were, 70:

Bell	Bernau	Blodgett	Boggess
Bradley	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Disney	Doderer	Garman	Gipp
Gries	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Huseman	Jacobs	Jochum	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Metcalf
Meyer	Moreland	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Vande Hoef	Weidman	Weigel	Welter
Witt	Van Maanen, Presiding		

The nays were, 20:

Arnold	Baker	Brand	Brauns
Drake	Drees	Fallon	Greiner
Grubbs	Grundberg	Hahn	Houser
Hurley	Klemme	Millage	Tyrrell
Van Fossen	Veenstra	Warnstadt	Wise

Absent or not voting, 10:

Boddicker	Brammer	Corbett, Spkr.	Dinkla
Eddie	Ertl	Greig	Mertz
Myers	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2140** be immediately messaged to the Senate.

SPONSOR ADDED (House Resolution 111)

Brand of Benton requested to be added as a sponsor of House Resolution 111.

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on April 30, 1996. Had I been present, I would have voted "aye" on House File 2458.

HARRISON of Scott

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this thirtieth day of April, 1996: House File 570.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 30, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 476, an act eliminating the appeal period for the awarding of contracts by the purchasing division of the department of general services.

House File 2153, an act relating to the reinstatement to active service of members of the statewide fire and police retirement system and the public safety peace officers' retirement, accident, and disability system upon denial of disability benefits.

Senate File 2351, an act relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, making an annual allocation from an appropriation, and establishing an effective date.

Senate File 2357, an act relating to school finance providing for an increase in the amount certified for levy in excess of that previously authorized for bonded indebtedness repayment.

Senate File 2366, an act relating to lease-purchase agreements.

Senate File 2399, an act relating to child protection system provisions involving the child abuse assessment pilot projects administered by the department of human services and certain multidisciplinary teams, and providing an effective date.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1996\551 Daphen and Harold Prough, Chariton - For celebrating their Fiftieth wedding anniversary.

- 1996\552 Timothy Rummer, Corning Community School, Corning – For being named to the Des Moines Register's 1996 Academic All State Team.
- 1996\553 Corning Main Street, Corning – For being named a semi-finalist in the Great American Main Street Award Competition.
- 1996\554 Shirley Hatcher, Council Bluffs – For receiving the Harry C. Voss Award, recognizing people who have made community volunteering a way of life.
- 1996\555 Ethel and John Bern, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\556 CAL 5th Grade, Latimer – For their completion of the DARE Program.
- 1996\557 Sheffield-Chapin 5th Grade, Sheffield – For their completion of the DARE Program.
- 1996\558 Ida May Ridinger, Wayland – For celebrating her One hundredth birthday.
- 1996\559 Jade Bettin, Odebolt-Arthur Community School – For being selected the Iowa 5th Congressional District Show Winner of Art to be displayed in the U. S. Capitol.
- 1996\560 John Cousins, Low Moor – For celebrating his Eightieth birthday.
- 1996\561 Beverly and Leroy Mensinger, Camanche – For celebrating their Fiftieth wedding anniversary.
- 1996\562 Angela and Clair Hindman, Newton – For celebrating their Fiftieth wedding anniversary.
- 1996\563 Emily Pearson, Dubuque – For being selected a Northeast Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\564 Sarah Vicker, Creston – For being selected a Southwest Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\565 Anthony Fischer, Neola – For being selected a Southwest Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\566 Scotty Christofferson, Exira – For being selected a Southwest Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\567 Brian Young, Clinton – For being selected a Southeast Regional Winner for the Des Moines Register's 1996 Academic All State Team.

1996\568 Elizabeth Laughlin, North Hills Elementary School, Burlington – For receiving an Excellence in Science Teaching Award.

1996\569 Nadine Weirather, Central Lee Junior High – For receiving an Excellence in Science Teaching Award from the Iowa Academy of Science.

RESOLUTIONS FILED

HCR 130, by Weigel, a concurrent resolution declaring Miss Iowa USA an official hostess for the State of Iowa.

Laid over under **Rule 25**.

HCR 131, by Shoultz, a concurrent resolution requesting that the Legislative Council appoint an interim study committee relating to family law issues.

Referred to committee on **judiciary**.

HR 113, by Harrison, Van Fossen, Martin, Myers, Jacobs, Bradley and Grubbs, a resolution designating motorcycle awareness month in Iowa.

Laid over under **Rule 25**.

SCR 106, by Freeman, a concurrent resolution commemorating the veterans of the United States armed forces who fought and won the Battle of the Bulge during World War II.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—6056	S.F.	2265	Hurley of Fayette Lamberti of Polk Doderer of Johnson
H—6058	H.F.	560	Vande Hoef of Osceola
H—6059	S.F.	454	Carroll of Poweshiek Witt of Black Hawk Martin of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 9:07 p.m., until 9:00 a.m., Wednesday, May 1, 1996.

JOURNAL OF THE HOUSE

One hundred fifteenth Calendar Day – Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 1, 1996

The House met pursuant to adjournment at 9:05 a.m., Speaker Corbett in the chair.

Prayer was offered by Peter Small, Journalist, Des Moines.

The Journal of Tuesday, April 30, 1996 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, on request of Schrader of Marion.

MOTION TO RECONSIDER WITHDRAWN

Siegrist of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider on **Senate File 2448**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date, filed on April 11, 1996.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2265**, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date, previously deferred and placed on the unfinished business calendar.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-5608 filed by him on March 26, 1996, placing out of order amendment H-5875 filed by Kreiman of Davis on April 8, 1996.

Hurley of Fayette offered amendment H-6056 filed by Hurley, et. al., as follows:

H-6056

- 1 Amend Senate File 2265, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 13 and

4 inserting the following:
5 "1. The parties to a dissolution of marriage,
6 modification of an order entered relating to a
7 dissolution of marriage which involves the issues of
8 child custody, visitation, or child support, shall
9 participate in a court-approved course to educate and
10 sensitize the parties to the needs of any child or
11 party during and subsequent to the proceeding within
12 forty-five days of the filing of a petition for
13 dissolution of marriage or within forty-five days of
14 the application for modification of an order.
15 Participation in the course may be waived or delayed
16 by the court for good cause including, but not limited
17 to, a default by any of the parties. Participation in
18 the course is not required if the proceeding involves
19 termination of parental rights of any of the parties.
20 A decree dissolving a marriage shall not be granted
21 and an order relating to modification shall not be
22 entered until the parties have participated in the
23 required course. Notwithstanding participation in the
24 required course, however, if the court finds that the
25 decree or order is not in the best interest of a
26 child, the decree shall not be granted and the order
27 shall not be entered."

Speaker pro tempore Van Maanen of Marion in the chair at 9:37 a.m.

Moreland of Wapello rose on a point of order that amendment H-6056 was not germane.

The Speaker ruled the point not well taken and amendment H-6056 germane.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2265** be deferred and retain its place on the **unfinished business calendar**, (amendment H-6056 pending).

The House resumed consideration of **Senate File 454**, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties, previously deferred and placed on the unfinished business calendar and the motion to reconsider amendment H-5715, to amendment H-5639, filed by Blodgett of Cerro Gordo on April 2, 1996, pending.

On motion by Blodgett of Cerro Gordo the House reconsidered amendment H-5715, found on pages 1304 through 1306 of the House Journal, to amendment H-5639.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-5715, to amendment H-5639.

Carroll of Poweshiek offered the following amendment H-6059, to amendment H-5639, filed by Carroll, et. al., and moved its adoption:

H-6059

1 Amend the amendment, H-5639, to Senate File 454, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 17, by striking the words "the"
5 nursing care" and inserting the following: "health-
6 related care".

7 2. Page 1, line 18, by inserting after the word
8 "a" the following: "continuous".

9 3. Page 2, line 24, by striking the words "or
10 voluntary accreditation".

11 4. Page 2, line 25, by inserting after the word
12 "programs." the following: "An assisted living
13 program which is voluntarily accredited is not
14 required to also be certified by the department and
15 the department shall accept voluntary accreditation in
16 lieu of certification by the department."

17 5. Page 2, by striking lines 31 and 32 and
18 inserting the following: "state shall be certified
19 with the department or shall be voluntarily
20 accredited. The owner or manager of a certified".

21 6. By striking page 2, line 49, through page 3,
22 line 5, and inserting the following:

23 "4. The department may enter into contracts to
24 provide certification and monitoring of assisted
25 living programs. The department shall have full
26 access to a program during certification and
27 monitoring of programs seeking certification or
28 currently certified. Upon the request of the
29 department the entity providing accreditation of a
30 program shall provide copies to the department of all
31 materials related to the accreditation process."

32 7. Page 3, by striking lines 17 and 18 and
33 inserting the following: "shall be granted a
34 temporary certification by the department or shall be
35 voluntarily accredited and shall".

36 8. Page 3, by striking lines 36 through 43 and
37 inserting the following:

38 "Sec. 6. MEDICAL ASSISTANCE WAIVER. The
39 department of human services shall take any actions
40 necessary to allow a certified or voluntarily
41 accredited assisted living program to be a provider of
42 personal care services under the medical assistance
43 home and community-based services waiver for the
44 elderly."

Amendment H-6059 was adopted.

On motion by Martin of Scott, amendment H-5639, as amended, was adopted, placing out of order amendment H-3942, filed by Martin

of Scott on April 13, 1995 and amendment H-5700 filed by Witt of Black Hawk and Carroll of Poweshiek on March 27, 1996.

Martin of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 454)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hamitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Baker	Brammer	Mertz	Myers
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 454** be immediately messaged to the Senate.

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO

Millage of Scott called up for consideration **House File 2114**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date, item vetoed by the Governor on March 19, 1996.

Millage of Scott moved that the House, on reconsideration, agree to pass House File 2114, the objections (Sections 3, 10 and 11 in their entirety) of the Governor to the contrary notwithstanding.

Millage of Scott asked and received unanimous consent to withdraw his previous motion to pass House File 2114.

Millage of Scott moved that the House, on reconsideration, agree to pass House File 2114, the objections (Section 3) of the Governor to the contrary notwithstanding.

On the question "Shall the House on reconsideration pass the bill, the objections (Section 3) of the Governor to the contrary notwithstanding?" (H.F. 2114)

The ayes were, none.

The nays were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

Absent or not voting, 7:

Brammer	Brauns	Brunkhorst	Burnett
Mertz	Myers	Salton	

The motion having failed to received a two-thirds majority was declared to have lost and the Governor's item veto was sustained.

Millage of Scott moved that the House, on reconsideration, agree to pass House File 2114, the objections (Sections 10 and 11 in their entirety) of the Governor to the contrary notwithstanding.

Rule 75 was invoked.

On the question "Shall the House on reconsideration pass the bill, the objections (Sections 10 and 11) of the Governor to the contrary notwithstanding?" (H.F. 2114)

The ayes were, 42:

Baker	Bell	Bernau	Bradley
Brand	Burnett	Cataldo	Cohoon
Connors	Cormack	Doderer	Drees
Fallon	Grubbs	Harper	Harrison
Holveck	Hurley	Jochum	Koenigs
Kreiman	Larkin	Martin	Mascher
May	McCoy	Moreland	Mundie
Murphy	Nelson, L.	O'Brien	Ollie
Osterhaus	Rants	Schrader	Shoultz
Taylor	Tyrrell	Warnstadt	Weigel
Wise	Witt		

The nays were, 53:

Arnold	Blodgett	Boddicker	Bogges
Branstad	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Heaton	Houser
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Renken	Schulte	Siegrist
Sukup	Teig	Thomson	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 5:

Brammer
Salton

Brauns

Mertz

Myers

The motion having failed to received a two-thirds majority was declared to have lost and the Governor's item veto was sustained.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, adopted the conference committee report and passed House File 2421, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date.

Also: That the Senate has on May 1, 1996, adopted the conference committee report and passed Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes.

Also: That the Senate has on May 1, 1996, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2477, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions.

JOHN F. DWYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lord of Dallas, until his return, on request of Siegrist of Pottawattamie; Jochum of Dubuque and Myers of Johnson, until their return, both on request of Schrader of Marion.

Speaker Corbett in the chair at 11:38 a.m.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2472)

Garman of Story called up for consideration the report of the conference committee on House File 2472 and moved the adoption of the

conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2472

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2472, a bill for An Act relating to and making appropriations to the justice system and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5575.

2. That House File 2472, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 10 and 11 and inserting the following:

" \$ 5,693,460
..... FTEs 178.50

It is the intent of the general assembly that of the funds appropriated in this subsection, not more than \$50,000 shall be used to establish an office of veterans advocate as provided in section 13.32, as enacted by this Act."

2. Page 1, by striking lines 15 and 16 and inserting the following:

" \$ 250,000
..... FTEs 6.00"

3. Page 2, line 25, by striking the figure "125,000" and inserting the following: "150,000".

4. Page 3, line 2, by striking the figure "200,000" and inserting the following: "225,000".

5. Page 3, by striking line 5 and inserting the following:

" \$ 1,759,806"

6. Page 4, by inserting after line 17 the following:

"10. For legal services for persons in poverty grants as provided in section 13.34, as enacted in this Act:

..... \$ 950,000

Sec. __. DEPARTMENT OF JUSTICE - ENVIRONMENTAL CRIMES INVESTIGATION AND PROSECUTION - FUNDING. There is appropriated from the environmental crime fund of the department of justice, consisting of court-ordered fines and penalties awarded to the department arising out of the prosecution of environmental crimes, to the department of justice for the fiscal year beginning July 1, 1996, and ending June 30, 1997, an amount not exceeding \$20,000 to be used by the department, at the discretion of the attorney general, for the investigation and prosecution of environmental crimes, including the reimbursement of

expenses incurred by county, municipal, and other local governmental agencies cooperating with the department in the investigation and prosecution of environmental crimes.

The expenditure of the funds appropriated in this section is contingent upon receipt by the environmental crime fund of the department of justice of an amount at least equal to the appropriations made in this section and received from contributions, court-ordered restitution as part of judgments in criminal cases, and consent decrees entered into as part of civil or regulatory enforcement actions. However, if the funds received during the fiscal year are in excess of \$20,000, the excess funds shall be deposited in the general fund of the state.

Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the designated purpose in the succeeding fiscal year."

7. Page 4, by striking lines 19 and 20 and inserting the following: "There is appropriated from the general fund of the state to the department of justice for".

8. Page 4, by striking lines 29 through 32.

9. Page 8, by inserting after line 13 the following:

"___. The department of corrections shall continue the development of the concept of a super-maximum security facility for inmates, including, but not limited to, details on the number of beds, staffing, operations, and the process for classifying inmates for incarceration at such a facility. The department shall explain the staffing, classification, and structured differences between a super-maximum security facility for inmates and any other type of facility in the corrections system."

10. Page 10, by striking lines 6 through 10.

11. Page 10, by striking line 13 and inserting the following:

"..... \$ 2,350,600"

12. Page 10, line 17, by inserting after the word "purpose." the following: "In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this subsection to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions."

13. Page 10, by inserting after line 22 the following:

"___ For funding of the criminal justice program at the university of northern Iowa:

..... \$ 175,000

___ For increased inmate costs at the institutions:

..... \$ 278,000

___ For additional correctional officers to be assigned to adult correctional institutions under the control of the department, and may be used for implementation of requirements of section 904.701, and for not more than the following fulltime equivalent positions:

..... \$ 770,000
 FTEs 22.00

— The department of corrections shall submit a report to the general assembly on January 1, 1997, concerning progress made in implementing the requirements of section 904.701, concerning hard labor by inmates."

14. Page 10, by striking line 35 and inserting the following:
 "..... \$ 7,036,820"

15. Page 12, by striking line 11 and inserting the following:
 "..... \$ 2,551,754"

16. Page 13, by inserting after line 20 the following:

"(4) The district department is authorized to enter into financial arrangements for and to construct an addition to the Faches Center for the purposes of adding staff offices."

17. Page 14, by striking line 11 and inserting the following:
 "..... \$ 4,120,221"

18. Page 14, by inserting after line 26 the following:

"j. For the department of corrections for the assistance and support of the judicial district departments of correctional services for use in implementing the requirements for inmate hard labor, the following amount, or so much thereof as is necessary:

..... \$ 100,000"

19. Page 16, by striking line 8 and inserting the following:
 "..... \$ 90,815,119"

20. Page 18, by inserting after line 4 the following:

"j. Of the funds appropriated in this subsection, the judicial department shall use not more than \$108,999 for an additional 3.00 district court judges as provided in this paragraph:

(1) Beginning January 1, 1997, one additional district court judge is authorized and shall be assigned to a judicial election district in the fifth judicial district as determined by the chief judge of the fifth judicial district.

(2) Beginning June 1, 1997, one additional district court judge is authorized and shall be assigned to a judicial election district in the fifth judicial district as determined by the chief judge of the fifth judicial district.

(3) Beginning June 1, 1997, one additional district court judge is authorized and shall be assigned to a judicial election district in the second judicial district as determined by the chief judge of the second judicial district.

k. Of the funds appropriated in this subsection, the judicial department shall use \$297,833 for an additional 4 juvenile court officers, 3 juvenile court specialists, and 3 clerical workers.

l. Of the funds appropriated in this subsection, the judicial department shall use \$140,000 to increase the salary of all associate juvenile judges and associate probate judges.

m. Of the funds appropriated in this subsection, the judicial department shall use \$174,000 for an additional 4.75 FTEs for the expansion of the court-appointed special advocate program.

n. The judicial department shall provide a report to the general assembly by January 1, 1997, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 during the fiscal year beginning July 1, 1995, and ending June 30, 1996, and the plans for expenditures during the fiscal year beginning July 1, 1996, and ending June 30, 1997."

21. Page 18, line 10, by striking the words "the first".

22. Page 20, line 12, by inserting after the word "programs." the following: "The department of corrections shall submit a report to the general assembly by January 1, 1997, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates."

23. Page 22, by striking line 20 and inserting the following:

" \$ 1,068,418"

24. Page 22, by inserting after line 21 the following:

"It is the intent of the general assembly that the Iowa law enforcement academy use its own equipment for copying and printing to the maximum extent possible to reduce the costs for these services."

25. Page 24, by striking lines 3 and 4 and inserting the following:

" \$ 2,171,438
..... FTEs 38.80"

26. Page 24, by striking lines 12 and 13 and inserting the following:

" \$ 9,392,619
..... FTEs 190.00"

27. Page 25, by striking lines 33 through 35.

28. Page 26, by inserting before line 1 the following:

"___. For costs associated with the training of volunteer fire fighters:
..... \$ 875,000

___ For the state medical examiner, for the purpose of establishing an office of the state medical examiner within the department of public safety, and for not more than the following full-time equivalent positions:

..... \$ 332,500
..... FTEs 4.00

Any fees collected by the department of public safety for autopsies performed by the office of the state medical examiner shall be deposited in the general fund of the state."

29. Page 26, by striking lines 15 and 16 and inserting the following:

" \$ 34,396,129
..... FTEs 566.00

It is the intent of the general assembly that, of the funds appropriated in this subsection, the division shall expend the amount necessary to provide the state match for adding twelve state troopers through the federal community-oriented policing services program. It is the intent of the general assembly that once federal moneys for this program end, the division shall present proposals to the governor and the general assembly for continued funding of the state troopers described in this paragraph and for consideration of reducing the number of state troopers through attrition, by the same number as the number of troopers added through the federal program."

30. Page 27, line 9, by inserting after the word "into" the following: "professional services".

31. Page 27, by inserting after line 18 the following:

"Sec. __. NEW SECTION. 13.32 VETERANS ADVOCATE.

The attorney general shall appoint an attorney to the office of veterans advocate. The veterans advocate is to be housed in the office of the attorney general. The advocate shall be an honorably discharged member of the armed forces of the United States. The advocate's term of office is for four years. The term begins and ends in the same manner as set forth in section 69.19.

Sec. __. NEW SECTION. 13.33 DUTIES OF VETERANS ADVOCATE.

The veterans advocate shall do all of the following:

1. Assist the commission of veterans affairs created in section 35A.2 in the carrying out of its duties.
2. Assist the veterans of the state in obtaining the benefits to which they are entitled.
3. Assist the veterans of the state in gaining admission to the Iowa veterans home in a timely manner.
4. Provide assistance to the county commissions of veterans affairs created in chapter 35B in the carrying out of their duties.

Sec. __. NEW SECTION. 13.34 LEGAL SERVICES FOR PERSONS IN POVERTY GRANT PROGRAM.

1. For the purposes of this section, "eligible individual" means an individual or household with an annual income which is less than one hundred twenty-five percent of the poverty guidelines established by the United States office of management and budget. The attorney general shall contract with an eligible nonprofit organization to provide legal assistance to eligible individuals in poverty. The contract shall be awarded within thirty days after May 30, 1996. The contract may be terminated by the attorney general after a hearing upon written notice and for good cause.

2. A nonprofit organization must comply with all of the following to be eligible for a contract under this section:

- a. Be a nonprofit organization incorporated in this state.
- b. Has lost or will lose funding due to a reduction in federal funding for the legal services corporation for federal fiscal year 1995-1996.

c. Employ attorneys admitted to practice before the Iowa supreme court and the United States district courts.

d. Employ attorneys and staff qualified to address legal problems experienced by eligible individuals.

3. The contracting nonprofit organization shall do all of the following:

a. Offer direct representation of eligible individuals in litigation and administrative cases, in accordance with priorities established by the organizations board.

b. Offer technical support to eligible individuals.

c. Involve private attorneys through volunteer lawyer projects to represent eligible individuals.

d. Utilize, to the fullest extent feasible, existing resources of accredited law schools within this state to provide consulting assistance to attorneys in the practice of law in their representation of persons in poverty.

e. Assist, to the fullest extent feasible, accredited law schools within this state in enhancing the schools' expertise in the practice of law representing persons in poverty so that all attorneys within the state will have a resource available to provide training and experience in the practice of law representing persons in poverty.

f. Cooperate, to the fullest extent feasible, with existing informational and referral networks among persons in poverty, providers of assistance to persons in poverty, and others concerned with assistance to persons in poverty.

4. The contracting nonprofit organization is not a state agency for the purposes of chapters 19A, 20, and 669.

5. An individual is eligible to obtain legal representation and legal assistance from the contracting nonprofit organization if the eligible individual meets all of the following criteria:

a. The eligible individual is a resident of this state.

b. The eligible individual is financially unable to acquire legal assistance, in accordance with criteria established by the organization's board.

Sec. __. Section 37.10, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Each commissioner shall be an honorably discharged soldier, sailor, marine, airman, or coast guard member and be a resident of the city county in which the memorial hall or monument is located ~~or live within the county if the memorial hall or monument is located outside of a city or is a joint memorial as provided in this chapter.~~

32. Page 27, by striking lines 19 through 34.

33. Page 28, by inserting after line 12 the following:

"Sec. __. Section 602.6201, subsection 10, Code Supplement 1995, is amended to read as follows:

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed one hundred eight eleven during the period commencing July 1, ~~1995~~ 1996.

Sec. __. Section 602.8108, subsection 3, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding provisions of this subsection to the contrary, all moneys collected from the drug abuse resistance education surcharge provided in section 911.2 shall be remitted to the treasurer of state for deposit in the general fund of the state and the amount deposited is appropriated to the Iowa law enforcement academy for use by the drug abuse resistance education program."

34. Page 28, line 20, by striking the words "two hundred" and inserting the following: "five hundred".

35. Page 29, by inserting after line 27 the following:

"Sec. __. Section 911.2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to thirty percent of the fine or forfeiture imposed. "An additional drug abuse resistance education surcharge of five dollars shall be assessed by the court if the violation arose out of a violation of an offense provided for in chapter 321J or chapter 124, division IV. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended."

36. Page 30, by striking lines 14 through 17.

37. Page 30, by inserting after line 35 the following:

"Sec. __. INTERIM STUDY COMMITTEE. The legislative council is requested to authorize an interim study committee concerning the enforcement of activities on excursion gambling boats.

Sec. __. LOCAL CORRECTIONS INFRASTRUCTURE AND CRIME PREVENTION TASK FORCE – REPORT – STUDY.

1. a. If money is appropriated for this purpose, the office of the attorney general shall establish and chair a state task force on local corrections infrastructure and crime prevention. The state task force shall include representation from the division of criminal and juvenile justice planning of the department of human rights, the department of corrections, the department of education, and the university of northern Iowa's criminology program.

b. The office of the attorney general, in consultation with the state task force, shall implement a public planning process to assist in the formation of a local task force in each judicial election district and to assist the task force in developing recommendations and proposals for corrections, juvenile justice, and school-based infrastructure projects. The membership of each local task force shall include, but is not limited to, representation from the department of corrections, county sheriffs, police chiefs, district judges, juvenile court judges, juvenile court officers, county supervisors, city council members, criminal and juvenile justice planning advisory council members, where applicable, juvenile services providers, community-based correctional program employees, county attorneys, and local school officials. Each

local task force shall submit a report of its recommendations and proposals to the office of the attorney general for consideration by the state task force. The report shall take into consideration ongoing local or state operational expenses related to any facility to be remodeled or constructed under the recommendations of the report. Each local task force shall also develop its recommendations in coordination with other state and local planning initiatives.

c. Upon receipt of the reports of each local task force, the state task force shall review the recommendations and proposals in each report, make its own recommendations and proposals based on these reports, and compile a report containing the recommendations and proposals of each local task force and the state task force which is requested to be submitted to the studies committee of the legislative council by December 1, 1996.

2. The legislative council is requested to create a study committee to receive the report submitted by the state task force on local corrections infrastructure and crime prevention. The study committee shall review the report and make recommendations concerning recommendations and proposals for corrections, juvenile justice, and school-based infrastructure projects, to include consideration of establishing a grant program and funding mechanism for these projects. The study committee shall submit a report of its findings and recommendations to the general assembly by January 1, 1997.

Sec. __. TASK FORCE IMPLEMENTATION. There is appropriated from the general fund of the state to the department of justice, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For retaining an independent consultant to provide technical assistance and staffing associated with the development of the programs of the state task force on local corrections infrastructure and crime prevention as enacted by this Act:

..... \$ 150,000"

38. Title page, line 2, by inserting after the word "system" the following: ", creating a drug abuse resistance education surcharge."

39. By renumbering as necessary.

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

TERESA GARMAN, Chair
PAUL BELL
DAVE HEATON
RICK LARKIN
LYNN SCHULTE

EUGENE FRAISE, Chair
ROBERT DVORSKY
EMIL J. HUSAK
STEWART IVERSON, Jr.
DONALD B. REDFERN

The motion prevailed and the report was adopted.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2472)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Main	Martin
Mascher	May	McCoy	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Fallon

Absent or not voting, 6:

Brammer	Jochum	Lord	Mertz
Myers	Salton		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2472** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(Senate File 2443)

Churchill of Polk called up for consideration the report of the conference committee on Senate File 2443 and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2443

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2443, a bill for An Act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes, respectfully make the following report:

- 1. That the House recedes from its amendment, S-5459.
- 2. That Senate File 2443, as amended, passed, and reprinted by the Senate, is amended as follows:

- 1. By striking everything after the enacting clause and inserting the following:

"Section 1. There is appropriated from the general fund of the state and other designated funds to the department of economic development for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, and for providing that a business receiving moneys from the department for the purpose of job creation shall make available ten percent of the new jobs created for promise jobs program participants who are qualified for the jobs created and for not more than the following full-time equivalent positions:

.....	\$	1,405,687
.....	FTEs	23.75

The director shall coordinate efforts with the workforce coordinator and the department of workforce development if enacted by Senate File 2409, to implement the intent of the general assembly regarding businesses receiving job creation moneys and shall report to the joint appropriations subcommittee on economic development regarding the number of jobs to be created by each business, the number of qualified promise jobs participants applying with the business, and the number of promise jobs participants hired.

b. Film office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	199,341
.....	FTEs	2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for allocating \$495,000 to the heartland technology network, \$150,000 to the graphic arts center, and \$100,000 to the university of northern Iowa for operation of industrial technology programs at the Iowa plastics technology center located in Waverly, Iowa, for allocating \$75,000 for the purposes of the regulatory assistance program, and for allocating \$60,000, and up to a 0.50 full-time equivalent position to administer the heartland technology network, the graphic arts technology center, and the plastics technology center:

.....	\$	3,890,775
.....	FTEs	17.75

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program, the small business advisory council, and targeted small business program:

.....	\$	498,756
.....	FTEs	6.00

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	96,492
.....	FTEs	3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1997, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1997, for the same purposes.

d. Strategic investment fund

For deposit in the strategic investment fund for salaries, support, for not more than the following full-time equivalent positions, and for allocating from the funds remaining unobligated in the Wallace technology transfer foundation fund on June 30, 1996, notwithstanding section 8.33, \$200,000 for a study regarding the feasibility of establishing an Iowa-based airline:

.....	\$	7,007,638
.....	FTEs	10.50

As a condition of any portion of the appropriation made under this lettered paragraph being used for awards from the community economic betterment account, the department shall provide that awards under the program of \$500,000 or more must be to businesses able to pay at least 130 percent of the average county wage, shall review the wage cap in high wage counties and provide that it is tied to an appropriate inflator for determining eligibility for awards, and shall provide, in addition to all other existing requirements for awards from the community economic betterment account, that the remaining 10 percent of the funds shall be transferred by the department to other programs within the strategic investment fund and used for purposes other than the community economic betterment program if, after 90 percent of funds in the account have been obligated for the fiscal year, either of the following conditions have not been met:

(1) All projects approved have starting wages not less than 90 percent of the lesser of either the average county wage or the average regional wage, as compiled annually by the department for the community economic betterment program. For the purposes of this lettered paragraph, the average regional wage shall be compiled based upon the service delivery areas in section 84B.2, if enacted by 1996 Iowa Acts, Senate File 2409.

(2) The average starting wage for the businesses for which the awards were made under the program shall exceed 100 percent of the statewide average wage.

Additionally, the department shall provide an annual report on the progress made by the department in making the community economic betterment program a self-sustaining, revolving loan program.

e. Targeted small business incubator

Moneys appropriated for fiscal year 1995-1996 and not expended by June 30, 1996, shall not revert but shall be held by the department for funding, with local matching funds, the targeted small business incubator in Des Moines for the fiscal year beginning July 1, 1996, and ending June 30, 1997.

f. Insurance economic development

There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for insurance economic development and international insurance economic development:

..... \$ 200,000

g. Value-added agriculture

There is appropriated from the moneys available to support value-added agricultural products and processes, four percent, or so much thereof as is necessary, of the total moneys available to support value-added agricultural products and processes pursuant to section 423.24 each quarter for administration of the value-added agricultural products and processes financial assistance program as provided in section 15E.111, including salaries, support, maintenance, miscellaneous purposes, and for not more than 2.00 FTEs.

3. COMMUNITY DEVELOPMENT DIVISION

a. Community assistance

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development boards:

..... \$ 578,943

..... FTEs 8.50

There is also appropriated from the rural community 2000 program revolving fund established in section 15.287 to the community assistance program for the purposes of the community economic preparedness program:

..... \$ 50,000

b. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:

.....	\$	413,530
.....	FTEs	3.00

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

c. Rural development program

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for rural resource coordination, rural community leadership, rural innovations grant program, and the rural enterprise fund and for allocating \$100,000 for the purposes of the microbusiness rural enterprise assistance program under section 15.114:

.....	\$	711,181
.....	FTEs	4.50

There is also appropriated from the rural community 2000 program revolving fund established in section 15.287 to the rural development program for the purposes of the program including the rural enterprise fund and collaborative skills development training:

.....	\$	351,000
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Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state or through transfers from the Iowa community development loan fund or from the rural community 2000 program revolving fund that remain unexpended at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

d. Community development block grant and HOME

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	403,974
.....	FTEs	18.75

e. Councils of governments

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to provide to Iowa's councils of governments funds for planning and technical assistance funds to assist local governments to develop community development strategies for addressing long-term and short-term community needs:

.....	\$	178,000
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f. Councils of governments

For distributing on a per capita basis to each council of governments:

..... \$ 50,000

g. Housing development fund

For providing technical assistance to communities of all sizes and local financial institutions to help meet local housing needs and to provide and transfer matching funds for the HOME program:

..... \$ 1,300,000

Notwithstanding section 8.33, moneys committed to grantees under contract from the housing development fund and moneys transferred for matching funds for the HOME program that remain unexpended or unobligated on June 30 of the fiscal year shall not revert to any fund but shall be available for obligation and expenditure for purposes of those programs during the succeeding fiscal year.

4. INTERNATIONAL DIVISION

a. International trade operations

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, and for allocating \$100,000 to promote trade opportunities in Korea and the Pacific rim:

..... \$ 1,027,950

..... FTEs 10.00

From among the full-time equivalent positions authorized by this paragraph, one position shall concentrate on the export sale of grain, one on the export sale of livestock, and one on the export sale of value-added agricultural products.

b. Foreign trade offices

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 595,250

c. Export trade assistance program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, including salaries and support for not more than the following full-time equivalent position:

..... \$ 275,000

..... FTEs 0.25

d. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

..... \$ 1,300

e. For transfer to the partner state program which the department may use to contract with private groups or organizations which are the most appropriate to administer this program and the groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this subsection of the funds transferred:

..... \$ 100,000

5. TOURISM DIVISION

a. Tourism operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, provided that the appropriation shall not be used for advertising placements for in-state and out-of-state tourism marketing, and for allocating \$300,000 for a soccer facility:

..... \$ 1,025,212

..... FTEs 18.52

b. Tourism advertising

For contracting exclusively for tourism advertising for instate and out-of-state tourism marketing services, tourism promotion programs, electronic media, print media, and printed materials:

..... \$ 2,737,000

The department shall not use the moneys appropriated in this lettered paragraph, unless the department develops publicprivate partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

c. Welcome center program

To provide tourism materials for welcome centers and for allocating \$150,000 for a new welcome center:

..... \$ 250,000

6. BUSINESS CONSORTIA AND SUPPLIER NETWORK TRAINING

For deposit in the workforce development fund for training directed at specific needs of businesses involved with business consortia and supplier networks on the condition that training shall not be provided to a business which uses outsourcing:

..... \$ 150,000

Sec. 2. Notwithstanding section 15E.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund all the moneys available during the fiscal year beginning July 1, 1996, and ending June 30, 1997, to the department of economic development for the rural development program to be used by the department for the purposes of the program.

Sec. 3. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of economic development for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For administration of chapter 260E, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	160,000
.....	FTEs	2.40

Appropriations to the department of economic development for administration of chapter 260E and the department of employment services for the target alliance program shall be funded on a proportional basis if receipts to the job training fund are insufficient to fund both appropriations in their entirety.

Sec. 4. Of all funds appropriated to or receipts credited to the job training fund created in section 260F.6, subsection 1, up to \$125,000 for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and not more than 1.30 of the fulltime equivalent positions may be used for the administration of the Iowa small business new job training Act.

Sec. 5. Notwithstanding section 423.24, subsection 1, paragraph "b", subparagraph (1), there is appropriated for the fiscal year beginning July 1, 1996, and ending June 30, 1997, \$100,000 of the total revenues collected pursuant to section 423.7 and deposited in the value-added agricultural products and processes financial assistance fund, pursuant to section 423.24, subsection 1, paragraph "b", subparagraph (1), to the Iowa cooperative extension service in agriculture and home economics at Iowa state university of science and technology for administration of the Iowa grain quality initiative.

Sec. 6. The Iowa seed capital corporation is authorized up to 5.00 FTEs. The seed capital corporation shall not make any new investments after June 30, 1997. The portfolio of investments held by the seed capital corporation on June 30, 1997, shall be transferred to a private entity for management of the investments.

Sec. 7. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For funding and maintaining in their current locations the existing small business development centers, and for not more than the following full-time equivalent positions:

.....	\$	1,216,245
.....	FTEs	5.80

2. For funding the institute for physical research and technology, provided that \$318,358 shall be allocated to the industrial incentive program in accordance with the intent of the general assembly, and for not more than the following fulltime equivalent positions:

.....	\$	4,124,607
.....	FTEs	46.42

It is the intent of the general assembly that the incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall

only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university shall report annually to the joint appropriations subcommittee on economic development of the senate and house appropriations committees the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated for any fiscal year which remain unobligated and unexpended at the end of the fiscal year shall not revert but shall be available for expenditure the following fiscal year.

Sec. 8. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For funding the advanced drug development program at the Oakdale research park and for not more than the following fulltime equivalent positions:

.....	\$	319,169
.....	FTEs	2.85

The board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the chairpersons of the joint appropriations subcommittee on economic development, the joint appropriations subcommittee on education, the majority leader and minority leader of the senate, the majority and minority leaders of the house of representatives, the secretary of the senate, the chief clerk of the house of representatives, and the legislative fiscal bureau by December 1, 1996.

Sec. 9. DEPARTMENT OF EMPLOYMENT SERVICES OR DEPARTMENT OF WORKFORCE DEVELOPMENT. As used in this section, references to the department of employment services shall include the department of workforce development if enacted by Senate File 2409. There is appropriated from the general fund of the state, to the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated, including that the department of employment services, the department of personnel, and the department of management shall ensure that all nonsupervisory full-time equivalent positions authorized and funded for the department of employment services in this section will be utilized during the fiscal year beginning July 1, 1996, and ending June 30, 1997, and during future fiscal years, and will not be held vacant, to ensure that the backlog of cases in that department will be reduced as rapidly as possible:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions contingent upon the enactment of

section 12 of this Act and the provision which requires moneys appropriated from the special employment security contingency fund to first be used to fully fund the appropriation of \$296,000 to the division of labor services in subsection 1 of section 13 of this Act prior to funding the appropriation in section 13 of this Act to the division of industrial services:

.....	\$	2,729,542
.....	FTEs	89.50

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,131,389
.....	FTEs	33.00

3. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position for a workforce development coordinator and council:

.....	\$	141,606
.....	FTEs	1.00

4. For the workforce development initiative to be used to create model workforce development centers and provide an integrated management information system:

.....	\$	275,000
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5. For salaries, support, maintenance, miscellaneous purposes for collection of labor market information, and for not more than the following full-time equivalent positions:

.....	\$	173,250
.....	FTEs	3.20

6. For salaries, support, maintenance, and miscellaneous purposes for the mentoring project for family investment program participants, and for not more than the following fulltime equivalent positions:

.....	\$	72,000
.....	FTEs	1.50

7. a. Youth workforce programs

For purposes of the conservation corps, including salary, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	918,661
.....	FTEs	2.40

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

b. Workforce investment program

For allocating \$425,000 to the workforce development fund under section 15.343 for funding, to the extent possible, the currently existing high technology apprenticeship programs, under section 260C.44 at the community colleges, for the purposes of the workforce investment program, and for a competitive grant program by the department for projects that increase Iowa's pool of available labor via training and support services with priority given to projects which serve displaced homemakers or welfare recipients, including salaries and support, and not more than the following full-time equivalent position:

.....	\$	903,000
.....	FTEs	0.90

The department shall ensure that the workforce investment program is coordinated with services provided under the federal Job Training Partnership Act and that welfare recipients receive priority for services under both programs.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended at the end of the fiscal year, shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

c. Labor management councils

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:

.....	\$	100,338
.....	FTEs	0.50

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year. The department shall not use moneys appropriated in this lettered paragraph for grants to grantees who do not facilitate the active participation of labor as members of labor management councils or who fail to make a good faith effort to either schedule meetings during nonworking hours or obtain voluntary agreements with employers to allow employees time off to attend labor management council meetings with no loss of pay or other benefits.

Sec. 10. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the target alliance program:

.....	\$	30,000
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Sec. 11. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There is appropriated from the administrative contribution surcharge fund of the state to

the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for the purposes designated:

DIVISION OF JOB SERVICE

Notwithstanding section 96.7, subsection 12, paragraph "c", for salaries, support, maintenance, conducting labor availability surveys, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,310,000
.....	FTEs	141.54

1. The department of employment services shall provide services throughout the fiscal year beginning July 1, 1996, and ending June 30, 1997, in all communities in which workforce centers were operating on July 1, 1993. However, this provision shall not prevent the consolidation of multiple offices within the same city or the colocation of workforce centers with another public agency.

2. The division of industrial services shall not reduce the number of scheduled hearings of contested cases or eliminate the venue of such hearings, as established by the division for the period beginning January 1, 1996, and ending January 20, 1997. The division shall also establish a substantially similar schedule for such hearings for the period beginning January 20, 1997, and ending June 30, 1997. The division shall report to the legislative fiscal bureau concerning any modification of the established schedule, or any changes which the division determines are necessary in establishing the schedule for the period beginning January 20, 1997, and ending June 30, 1997.

3. The division shall continue charging a \$65 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances.

Sec. 12. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated and subject to the requirement that the appropriation to the division of labor services under this section be fully funded from the special employment security contingency fund prior to any amounts being used to fund the appropriation made to the division of industrial services under this section:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	296,000
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2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	175,000
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Any additional penalty and interest revenue may be used to accomplish the mission of the department.

Sec. 13. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	777,164
.....	FTEs	12.80

Sec. 14. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the housing improvement fund created in section 16.100 for purposes of the fund:

.....	\$	400,000
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Sec. 15. There is allocated from the unobligated funds remaining in the Wallace technology transfer foundation fund, after the allocation in section 1, subsection 2, paragraph "d", of this Act, on June 30, 1996, \$100,000 for deposit in the housing improvement fund created in section 16.100 for the purposes of the fund. Any funds remaining shall not revert to any fund, notwithstanding section 8.33. Unobligated funds remaining on June 30, 1997, shall revert to the general fund of the state.

Sec. 16. NEW SECTION. 15.113 ECONOMIC DEVELOPMENT ASSISTANCE - REPORT.

In order for the general assembly to have accurate and complete information regarding expenditures for economic development and job training incentives and to respond to the job training needs of Iowa workers, the department shall provide to the legislative fiscal bureau by January 15 of each year data on all assistance or benefits provided under the community economic betterment program, the new jobs and income program, and the Iowa industrial new jobs training Act during the previous calendar year. The department shall meet with the legislative fiscal bureau prior to submitting the data to assure that its form and specificity are sufficient to provide accurate and complete information to the general assembly. The department shall also contact other state agencies providing financial assistance to Iowa businesses and, to the extent practical coordinate the submission of the data to the legislative fiscal bureau.

Sec. 17. NEW SECTION. 15.114 MICROBUSINESS RURAL ENTERPRISE ASSISTANCE.

1. As used in this section:

a. "Department" means the department of economic development.

b. "Microbusiness" or "microbusiness enterprise" means a business producing services with five or fewer full-time equivalent employee positions and with assistance requirements of not more than twenty-five thousand dollars.

c. "Microbusiness organization" means a nonprofit corporation organized under chapter 504A which is exempt from taxation pursuant to section 501(c) of the

Internal Revenue Code and which has a principal mission of actively engaging in microbusiness development, training, technical assistance, and capital access for the start-up or expansion of microbusinesses.

2. The department shall contract with a microenterprise organization actively engaged in microbusiness enterprise to assist in the establishment of this program. In order to qualify for the contract, the microenterprise organization shall do all of the following:

- a. Demonstrate a past performance of and a capacity to successfully engage in microbusiness development.
- b. Have a statewide commitment to and focus on microbusiness development.
- c. Provide training and technical assistance.
- d. Demonstrate an ability to provide access to capital for start-up or expansion of a microbusiness.
- e. Have established linkages with financial institutions.
- f. Demonstrate an ability to provide follow-up technical assistance after a microbusiness start-up or expansion.

3. Moneys allocated pursuant to this section which remain unexpended or unobligated at the end of a fiscal year shall remain available to the department to support the assistance program or may be credited to the value-added agricultural products and processes financial assistance fund created in section 15E.112 and shall not revert notwithstanding section 8.33.

4. The department shall submit a report in accordance with section 7A.11 not later than November 1 of each year detailing the activities of the microenterprise organization and describing the success of the project.

Sec. 18. Section 15.313, subsection 2, Code 1995, is amended by adding the following new paragraphs:

NEW PARAGRAPH g. The entrepreneurs with disabilities program, which provides technical and financial assistance to help persons with disabilities become self-sufficient and create additional employment opportunities by establishing or expanding small business ventures.

NEW PARAGRAPH h. The job opportunities for persons with disabilities program, which provides service and technical assistance to rehabilitation organizations or agencies that create, expand, or spin off business ventures for persons with disabilities.

Sec. 19. NEW SECTION. 15A.4 COMPETITIVE PROGRAMS – GOOD NEIGHBOR AGREEMENT – ADDITIONAL CONSIDERATION.

For any program providing financial assistance for economic development in which the assistance is provided on a competitive basis, a business which enters into a good neighbor agreement shall receive extra consideration of at least ten points or the equivalent. A good neighbor agreement is an enforceable contract between the business and a community group or coalition of community groups which requires the business to adhere to negotiated environmental, economic, labor, or other social and community standards.

A business which fails to abide by the good neighbor agreement shall repay all financial assistance received under the program.

Sec. 20. Section 15E.112, subsection 1, Code 1995, is amended to read as follows:

1. A value-added agricultural products and processes financial assistance fund is created within the state treasury under the control of the department. The fund shall consist of any money appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund. ~~Until July 1, 2000, moneys shall be deposited in the fund as provided in section 423.24. Not more than one percent of the total moneys available to support value-added agricultural products and processes pursuant to section 423.24 during each quarter shall be used by the department for administration of the value-added agricultural products and processes financial assistance program, as provided in section 15E.111.~~ The assets of the fund shall be used by the department only for carrying out the purposes of section 15E.111.

Sec. 21. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, section 15.343, subsection 2, paragraph "d", as amended in Senate File 2351, if enacted, shall be available for the funding of innovative training and career opportunity programming for minorities, provided such funding is matched on a dollar-for-dollar basis by a participating community college.

Sec. 22. Notwithstanding sections 15.108, 15.224 through 15.230, 15.347, 15.348, and 239.22, the department of employment services shall administer the following programs: job training partnership Act, Iowa conservation corps, americorps, mentoring for promise jobs, food stamp employment and training, and the labor/management co-op programs.

Sec. 23. FEDERAL GRANTS. All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly."

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

STEVEN W. CHURCHILL, Chair
TOM BAKER
PHIL WISE

TOM VILSACK, Chair
TONY BISIGNANO
STEVEN D. HANSEN

On motion by Siegrist of Pottawattamie, the House was recessed at 11:53 a.m., until 1:30 p.m.

(Conference Committee Report on Senate File 2443 pending)

AFTERNOON SESSION

The House reconvened at 1:40 p.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 121, a bill for an act relating to the taping and broadcasting of certain high school athletic events.

Also: That the Senate has on May 1, 1996, adopted the conference committee report and passed House File 2472, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Also: That the Senate has on May 1, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2469, a bill for an act relating to the establishment of a problem gambling treatment program, creating an advisory committee and applying a penalty.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2469, by Horn and Rife, a bill for an act relating to the establishment of a problem gambling treatment program, creating an advisory committee and applying a penalty.

Read first time and referred to committee on **state government**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-three members present, thirty-seven absent.

The House stood at ease at 1:50 p.m., until the fall of the gavel.

The House resumed session at 2:00 p.m., Speaker Corbett in the chair.

The House stood at ease at 2:01 p.m., until the fall of the gavel.

The House resumed session at 2:12 p.m., Speaker Corbett in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2464, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date.

JOHN F. DWYER, Secretary

BUSINESS PENDING AT RECESS

The House resumed consideration of the report of the conference committee on **Senate File 2443**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes, found on pages 2082-2096 of the House Journal, pending at recess.

Halvorson of Clayton rose on a point of order and invoked House rule 39A, relating to consideration of conference committee reports.

The Speaker ruled the point well taken.

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the consideration of the report of the conference committee on **Senate File 2443**.

On motion by Churchill of Polk, the House refused to adopt the report.

SECOND CONFERENCE COMMITTEE APPOINTED (Senate File 2443)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning **Senate File 2443: Millage of Scott, Chair; Gipp of Winneshiek, Van Maanen of Marion, Baker of Polk and Wise of Lee.**

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on **appropriations**.

The House stood at ease at 2:56 p.m., until the fall of the gavel.

The House resumed session at 4:23 p.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 28, a concurrent resolution requesting that the United States Congress repeal the decriminalization of status offenses mandate contained in the federal Juvenile Justice Delinquency Prevention Act of 1974.

Also: That the Senate has on May 1, 1996, amended the House amendment, concurred in the House amendment, as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2370, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision.

JOHN F. DWYER, Secretary

SENATE AMENDMENTS CONSIDERED

Jacobs of Polk called up for consideration **Senate File 2464**, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6064 to the House amendment:

H-6064

1 Amend the House amendment, S-5738, to Senate File
2 2464, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 7 through 22 and
5 inserting the following:

6 "A person interested in transferring real property
7 located in a district, or a broker or salesperson
8 acting on behalf of the person, shall disclose, in
9 accordance with chapter 558A, that the property is
10 located in a real estate improvement district and the
11 amount of any special assessment under this chapter
12 against the property."

13 . Page 5, by striking lines 15 through 20 and
14 inserting the following:

15 "Sec. ____ Section 558A.4, subsection 1, Code
16 1995, is amended to read as follows:

17 1. The disclosure statement shall include
18 information relating to the condition and important
19 characteristics of the property and structures located
20 on the property, including significant defects in the
21 structural integrity of the structure, as provided in
22 rules which shall be adopted by the real estate
23 commission pursuant to section 543B.9. The disclosure
24 statement shall also include whether the property is
25 located in a real estate improvement district and the
26 amount of any special assessment against the property
27 under chapter 358C. The rules may require the
28 disclosure to include information relating to the
29 property's zoning classification; the condition of
30 plumbing, heating, or electrical systems; or the

31 presence of pests.””

32 2. Page 1, by inserting after line 47 the
33 following:

34 “_. Page 19, by inserting after line 7 the
35 following:

36 “Sec. NEW SECTION. 364.12A CONDEMNATION OF
37 RESIDENTIAL BUILDINGS – PUBLIC PURPOSE.

38 For the purposes of section 6A.4, subsection 6, a
39 city may condemn a residential building found to be a
40 public nuisance and take title to the property for the
41 public purpose of disposing of the property under
42 section 364.7 by conveying the property to a private
43 individual for rehabilitation or for demolition and
44 construction of housing.””

45 3. Page 2, line 38, by striking the letter “b”
46 and inserting the following: “a”, for the purposes
47 of this paragraph”.

48 4. Page 3, line 17, by striking the words
49 “general fund of the state” and inserting the
50 following: “housing improvement fund”.

Page 2

1 5. Page 3, line 40, by striking the words “Twenty
2 percent” and inserting the following: “Two-thirds
3 percent”.

4 6. Page 3, line 44, by inserting after the figure
5 “16.100.” the following: “Of the moneys transferred
6 under this paragraph, sixty percent shall be used in
7 accordance with section 16.100, subsection 1A, and
8 forty percent shall be used for the other purposes of
9 the housing improvement fund.”

10 7. Page 3, by striking lines 45 through 50 and
11 inserting the following:

12 “b. One-third of the receipts shall be deposited
13 in the general fund of the state.”

14 8. Page 4, by inserting after line 6 the
15 following:

16 “_. Page 24, line 21, by striking the figure
17 “403A” and inserting the following: “403”.

18 _. Page 24, line 28, by striking the figure
19 “403A” and inserting the following: “403”.”

20 9. By striking page 4, line 50, through page 5,
21 line 2, and inserting the following: “For a county, a
22 revitalization area shall include only property which
23 will be used as industrial property only, commercial
24 property, commercial property consisting of three or
25 more separate living quarters with at least seventy-
26 five percent of the space used for residential
27 purposes, or residential property. However, a county
28 shall not provide a tax exemption under this chapter
29 to commercial property, commercial property consisting
30 of three or more separate living quarters with at

31 least seventy-five percent of the space used for
 32 residential purposes, or residential property which is
 33 located within the limits of a city."

34 10. Page 5, by inserting after line 45 the
 35 following:

36 "DIVISION 201

37 Sec. ____ APPROPRIATION. There is appropriated
 38 from the general fund of the state to the Iowa finance
 39 authority for the fiscal year beginning July 1, 1995,
 40 and ending June 30, 1996, the following amount, or so
 41 much thereof as is necessary, to be used for the
 42 purpose designated:

43 For assisting counties and cities in forming or
 44 organizing housing councils:

45 \$ 1,000,000

46 Notwithstanding section 8.33, moneys remaining
 47 unobligated or unexpended shall not revert but shall
 48 remain available to the Iowa finance authority for the
 49 purposes of this section for the fiscal year beginning
 50 July 1, 1996, and ending June 30, 1997. Funds

Page 3

1 remaining unobligated on June 30, 1997, shall be
 2 transferred to the housing improvement fund created in
 3 section 16.100."

4 11. Page 5, lines 47 and 48, by striking the word
 5 and figure "and 101" and inserting the following:
 6 "101, and 201".

7 12. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amend-
 ment H-6064, to the House amendment.

Jacobs of Polk moved that the bill, as amended by the House, fur-
 ther amended by the Senate and concurred in by the House, be read a
 last time now and placed upon its passage which motion prevailed and
 the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2464)

The ayes were, 91:

Bell	Bernau	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson

Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Taylor	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 9:

Arnold	Baker	Brammer	McCoy
Millage	Myers	Salton	Sukup
Teig			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2464** be immediately messaged to the Senate.

Nutt of Woodbury called up for consideration **Senate File 2370**, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision, amended by the House, further amended by the Senate amendment H-6065 to the House amendment:

H-6065

- 1 Amend the House amendment, S-5818, to Senate File
- 2 2370, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 31, the
- 5 following:
- 6 " Page 11, by inserting before line 24, the
- 7 following:
- 8 "Sec. 100. NEW SECTION. 476.46 ALTERNATE ENERGY

9 REVOLVING LOAN PROGRAM.

10 1. The Iowa energy center created under section
11 266.39C shall establish and administer an alternate
12 energy revolving loan program to encourage the
13 development of alternate energy production facilities
14 and small hydro facilities within the state.

15 2. An alternate energy revolving loan fund is
16 created in the office of the treasurer of state to be
17 administered by the Iowa energy center. The fund
18 shall include moneys remitted to the fund pursuant to
19 subsection 3 and any other moneys appropriated or
20 otherwise directed to the fund. Moneys in the fund
21 shall be used to provide loans for the construction of
22 alternate energy production facilities or small hydro
23 facilities as defined in section 476.42. A gas or
24 electric utility which is not required to be rate-
25 regulated shall not be eligible for a loan under this
26 section. A facility shall be eligible for no more
27 than two hundred fifty thousand dollars in loans
28 outstanding at any time under this program. Each loan
29 shall be for a period not to exceed twenty years,
30 shall bear no interest, and shall be repayable to the
31 fund created under this section in installments as
32 determined by the Iowa energy center. The interest
33 rate upon delinquent payments shall accelerate
34 immediately to the current legal usury limit. Any
35 loan made pursuant to this program shall become due
36 for payment upon sale of the facility for which the
37 loan was made. Interest on the fund shall be
38 deposited in the fund. Section 8.33 shall not apply
39 to the moneys in the fund.

40 3. The board shall direct all gas and electric
41 utilities required to be rate-regulated to remit to
42 the treasurer of state by July 1, 1996, eighty-five
43 one-thousandths of one percent of the total gross
44 operating revenues during calendar year 1995 derived
45 from their intrastate public utility operations, by
46 July 1, 1997, eighty-five one-thousandths of one
47 percent of the total gross operating revenues during
48 calendar year 1996 derived from their intrastate
49 public utility operations and by July 1, 1998, eighty-
50 five one-thousandths of one percent of the total gross

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1 operating revenues during calendar year 1997 derived
2 from their intrastate public utility operations. The
3 amounts collected pursuant to this section shall be in
4 addition to the amounts permitted to be assessed
5 pursuant to section 476.10 and the amounts assessed
6 pursuant to section 476.10A. The board shall allow
7 inclusion of these amounts in the budgets approved by
8 the board pursuant to section 476.6, subsection 19,

9 paragraph "a"."

10 2. Page 1, by inserting after line 35, the
11 following:

12 "_. Page 14, by inserting before line 4 the
13 following:

14 "Sec. __. Notwithstanding the restrictions
15 contained in section 28F.1, third and fourth
16 unnumbered paragraphs, and section 28F.7, a municipal
17 utility may enter into an agreement with a public
18 agency which has received for this purpose before the
19 effective date of this Act a commitment for a United
20 States department of energy grant, to jointly finance
21 one wind turbine alternate energy production facility
22 as defined in section 476.42 of not more than twenty
23 megawatts nameplate-rated capacity, and to provide the
24 municipal utility and other public or private agencies
25 with electricity from the facility. An electric
26 utility shall not be required to purchase electricity
27 from such an alternate energy production facility
28 pursuant to sections 476.43 and 476.44."

29 _. Page 14, by inserting after line 5, the
30 following:

31 "Sec. __. Section 100 of this Act being deemed of
32 immediate importance, takes effect upon enactment."

Cataldo of Polk, in the chair at 5:11 p.m.

On motion by Nutt of Woodbury, the House concurred in the Senate amendment H-6065, to the House amendment.

Nutt of Woodbury moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2370)

The ayes were, 89:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson

Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Nelson, B.
Nelson, L.	Nutt	Ollie	Osterhaus
Rants	Renken	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Witt
Cataldo, Presiding			

The nays were, 7:

Fallon	Holveck	Koenigs	Mundie
Murphy	O'Brien	Weigel	

Absent or not voting, 4:

Brammer	Grubbs	Myers	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2370** be immediately messaged to the Senate.

Speaker Corbett in the chair at 5:31 p.m.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2265**, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date, previously deferred and placed on the unfinished business calendar and amendment H-6056, found on pages 2067-2068 of the House Journal, pending.

Hurley of Fayette asked and received unanimous consent to withdraw amendment H-6056.

Kreiman of Davis asked and received unanimous consent to withdraw the following amendments filed from the floor: H-6061 filed by Kreiman of Davis and H-6066 filed by Kreiman of Davis and Hurley of Fayette.

The House stood at ease at 5:33 p.m., until the fall of the gavel.

The House resumed session at 5:48 p.m., Cormack of Webster in the chair.

Kreiman of Davis offered the following amendment H-6067 filed by him and Hurley from the floor and moved its adoption:

H-6067

1 Amend Senate File 2265, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 598.7A, Code Supplement 1995,
6 is amended to read as follows:

7 598.7A DISSOLUTION OF MARRIAGE DOMESTIC RELATIONS
8 PROCEEDING - MEDIATION.

9 In addition to the custody mediation provided
10 pursuant to section 598.41, unless the court
11 determines that a history of domestic abuse exists as
12 specified in section 598.41, subsection 3, paragraph
13 "j", or unless the court determines that direct
14 physical harm or significant emotional harm to the
15 child, other children, or a parent is likely to
16 result, or unless the action involves a child support
17 or medical support obligation enforced by the child
18 support recovery unit, on the application of either
19 party, or on the court's own motion, the court may
20 require shall determine in each domestic relations
21 proceeding or modification of any order relating to
22 those proceedings whether the parties to the
23 proceeding shall participate in mediation to attempt
24 to resolve differences between the parties relative to
25 the granting of a marriage dissolution decree, if the
26 court determines that mediation may effectuate a
27 resolution of the differences without court
28 intervention. The court may order participation in
29 mediation at any time prior to the entering of a final
30 order or the granting of a final decree.

31 The costs of mediation shall be paid in full or in
32 part by the parties, as determined by the court and
33 taxed as court costs."

34 2. Page 1, line 1, by striking the word and
35 figure "Section 1." and inserting the following:
36 "Sec. 2."

37 3. Page 1, by striking lines 3 through 13 and
38 inserting the following:

39 "1. The parties to any action which involves the
40 issues of child custody or visitation shall
41 participate in a court-approved course to educate and
42 sensitize the parties to the needs of any child or
43 party during and subsequent to the proceeding within
44 forty-five days of the service of notice and petition
45 for the action or within forty-five days of the
46 service of notice and application for modification of
47 an order. Participation in the course may be waived
48 or delayed by the court for good cause including, but

49 not limited to, a default by any of the parties.
 50 Participation in the course is not required if the

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1 proceeding involves termination of parental rights of
 2 any of the parties. A final decree shall not be
 3 granted or a final order shall not be entered until
 4 the parties have complied with this section.”
 5 4. Page 1, line 23, by inserting after the word
 6 “minimum” the following: “and as appropriate”.
 7 5. Page 1, by striking lines 28 and 29 and
 8 inserting the following: “responsibilities of parents
 9 following divorce.”
 10 6. Page 1, by inserting before line 30 the
 11 following:
 12 “5. In addition to the provisions of this section
 13 relating to the required participation in a court-
 14 approved course by the parties to an action as
 15 described in subsection 1, the court may require age-
 16 appropriate counseling for children who are involved
 17 in a dissolution of marriage action. The counseling
 18 may be provided by a public or private entity approved
 19 by the court. The costs of the counseling shall be
 20 taxed as court costs.
 21 6. The supreme court may prescribe rules to
 22 implement this section.”
 23 7. Page 1, line 30, by striking the word “This”
 24 and inserting the following: “Section 2 of this”.
 25 8. Title page, line 1, by inserting after the
 26 word “to” the following: “domestic relations
 27 including”.
 28 9. By renumbering as necessary.

Amendment H-6067 was adopted, placing out of order amendment H-6063, filed by Mascher of Johnson from the floor.

Hurley of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2265)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Corbett, Spkr.
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner

Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Cormack, Presiding

The nays were, 4:

Drees	Millage	Moreland	Schrader
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Absent or not voting, 4:

Brammer	Grubbs	Myers	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2265** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 114

Kreiman of Davis asked and received unanimous consent for the immediate consideration of House Resolution 114, a resolution honoring students and teachers from Albia Community High School for their accomplishments at the recent Orlando Festival of Music in Orlando, Florida, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House resumed consideration of **Senate File 2206**, a bill for an act providing for animal health and racing and making penalties applicable, previously deferred and placed on the unfinished business calendar.

Speaker pro tempore Van Maanen of Marion in the chair at 6:24 p.m.

Tyrrell of Iowa offered the following amendment H-5508 filed by the committee on state government and moved its adoption:

H-5508

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 99D.7, subsection 18, Code
- 6 Supplement 1995, is amended to read as follows:
- 7 18. To revoke or suspend licenses and impose fines
- 8 ~~not to exceed one thousand dollars."~~
- 9 2. By renumbering as necessary.

The committee amendment H-5508 was adopted.

Garman of Story offered the following amendment H-6025 filed by her and moved its adoption:

H-6025

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 30 and 31, by striking the words
- 4 "~~two point two five~~" and inserting the following:
- 5 "two point two".

Amendment H-6025 lost.

Garman of Story offered amendment H-5532 filed by her as follows:

H-5532

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 13 the
- 4 following:
- 5 "Sec. ____ Section 99F.9, subsection 5, Code 1995,
- 6 is amended to read as follows:
- 7 5. A person under the age of twenty-one years
- 8 shall not make a wager on an excursion gambling boat
- 9 or at a racetrack enclosure and shall not be allowed
- 10 in the area of the excursion boat where gambling is
- 11 being conducted or in the area of a racetrack
- 12 enclosure where slot machines are operated. However,
- 13 a person eighteen years of age or older may be
- 14 employed to work in a gambling area."
- 15 2. By renumbering as necessary.

Hammitt Barry of Harrison rose on a point of order that amendment H-5532 was not germane.

The Speaker ruled the point well taken and amendment H-5532 not germane.

Garman of Story asked for unanimous consent to suspend the rules to consider amendment H-5532.

Objection was raised.

Garman of Story moved to suspend the rules to consider amendment H-5532.

A non-record roll call was requested.

The ayes were 30, nays 46.

The motion to suspend the rules lost.

Tyrrell of Iowa offered the following amendment H-5925 filed by him from the floor and moved its adoption:

H-5925

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 19 the
- 4 following:
- 5 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 1, by striking the words
- 8 "racing and" and inserting the following: "racing,".
- 9 3. Title page, line 2, by inserting after the
- 10 word "applicable" the following: ", and providing an
- 11 effective date".

Amendment H-5925 was adopted.

Siegrist of Pottawattamie in the chair at 6:41 p.m.

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2206** be deferred and placed on the **unfinished business calendar**.

The House stood at ease at 6:43 p.m., until the fall of the gavel.

The House resumed session at 7:18 p.m., Renken of Grundy in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 454, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties.

JOHN F. DWYER, Secretary

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6068** May 1, 1996

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for immediate consideration of Senate File 2470.

Appropriations Calendar

Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Millage of Scott offered amendment H-6068 filed from the floor by the committee on appropriations as follows:

H-6068

- 1 Amend Senate File 2470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 17, by striking the words
- 4 "fifteen million ~~seven~~ one hundred" and inserting the
- 5 following: "fourteen million ~~seven~~ five hundred
- 6 twenty".
- 7 2. Page 2, lines 26 and 27, by striking the words
- 8 "eight million ~~one~~ two hundred ~~twenty-five~~ fifty" and
- 9 inserting the following: "seven million ~~one~~ six
- 10 hundred ~~twenty-five~~ seventy".
- 11 3. Page 4, by striking lines 19 through 32.
- 12 4. Page 5, by inserting after line 13 the
- 13 following:

14 "4. To Clyde Dalbey for a claim relating to an
 15 individual income tax refund:
 16 \$ 1,922.39

17 5. To Cecil Travis of Ankeny for a claim relating
 18 to a mobile home use tax refund:
 19 \$ 420.00"

20 5. Page 6, by striking lines 12 through 14.

21 6. Page 6, by inserting after line 24 the
 22 following:

23 "The moneys appropriated in this subsection shall
 24 be utilized for purposes of providing information,
 25 technical assistance, coordination, and legal advice
 26 to groups of farmers who desire to create a value-
 27 added cooperative. The primary goal shall be to
 28 assist the successful development of such cooperatives
 29 while minimizing the risks to the farmers involved."

30 7. Page 9, by inserting after line 1 the
 31 following:

32 "_. To the department of economic development
 33 for a grant for completion of the Cherokee area rural
 34 economic development center in Cherokee:
 35 \$ 150,000"

36 8. Page 9, by inserting after line 30 the
 37 following:

38 "_. To the department of natural resources for a
 39 grant to the city of Sioux City for expenses
 40 associated with the Perry creek flood control and
 41 greenway project:
 42 \$ 100,000"

43 9. Page 10, by inserting after line 3 the
 44 following:

45 "_. To the Iowa department of public health for
 46 the period beginning July 1, 1996, and ending June 30,
 47 1998, to be used for purposes of supporting a program
 48 to assist counties in testing private wells and waters
 49 of the state for pollution caused by confinement
 50 feeding operations:

Page 2

1 \$ 50,000

2 From moneys appropriated in this subsection, the
 3 department shall support testing programs administered
 4 by counties which may submit an application to the
 5 department to participate in the state assistance
 6 program, as provided by the department. The county
 7 shall perform testing within a test area. As used in
 8 this subsection, "test area" means an area within a
 9 two-mile radius of any structure used to store manure
 10 which is part of a confinement feeding operation.
 11 Iowa state university of science and technology shall
 12 adopt necessary standards, protocols, and criteria for
 13 testing by counties. The program shall be

14 administered within each participating county by the
 15 county's board of health or the board's designee. The
 16 testing may be performed with volunteer assistance.
 17 However, all testing shall be performed under the
 18 supervision of a county official. The samples of the
 19 testing shall be analyzed by the state hygienic
 20 laboratory at the state university of Iowa. All
 21 moneys available under this subsection shall only be
 22 used for the following purposes:

- 23 a. Analyzing test samples by the state hygienic
- 24 laboratory.
- 25 b. Performing tests by counties. However, not
- 26 more than \$50 of the moneys available to a county
- 27 under this subsection shall be used to pay for
- 28 administering testing by the county within any test
- 29 area, including labor and equipment costs, regardless
- 30 of the number of tests performed by the county within
- 31 the test area."

32 10. Page 10, line 19, by striking the figure
 33 "50,000" and inserting the following: "100,000".

34 11. Page 11, by inserting after line 18 the
 35 following:

36	“	To the department of commerce for the		
37		insurance division to continue the senior health		
38		insurance information program:		
39		.....	\$	75,000
40	___	To the department of elder affairs for the		
41		older Iowans' legislature:		
42		.....	\$	15,000
43	___	To the department of natural resources for		
44		testing of animal feeding operations and their		
45		structures, in accordance with this subsection:		
46		.....	\$	185,000
47		The department of natural resources shall utilize		
48		the moneys appropriated in this subsection to perform		
49		testing of animal feeding operations and their		
50		structures, including confinement feeding operations		

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1 and confinement feeding operation structures all as
 2 defined in section 455B.161, and manure management and
 3 disposal systems used by such operations. The
 4 operations and their structures or systems must have
 5 been constructed or installed on or before July 1,
 6 1985. The testing shall be for the purpose of
 7 determining the extent to which operations and their
 8 structures and manure management and disposal systems
 9 contribute to point and nonpoint contamination of the
 10 state's groundwater and surface water. A person
 11 owning or operating an animal feeding operation may
 12 cooperate with the department in carrying out this
 13 subsection. The identity of the animal feeding

14 operations shall be confidential and not subject to
 15 chapter 22. The findings of the testing shall not be
 16 used in a case or proceeding brought against a person
 17 based upon a violation of state law. The department
 18 shall report its findings and recommendations to the
 19 general assembly not later than January 15, 1998.”

20 12. Page 19, by inserting after line 33 the
 21 following:

22 “Sec. ____ INSTITUTE REFERENCE. The reference to
 23 the “institute of public leadership” in 1996 Iowa
 24 Acts, House File 2477, section 12, subsection 3,
 25 paragraph “a”, if enacted, means the Iowa institute
 26 for public leadership.”

27 13. Page 20, by inserting after line 3 the
 28 following:

29 “Sec. ____ VERTICAL INFRASTRUCTURE TASK FORCE.
 30 Notwithstanding the membership specified for the
 31 vertical infrastructure definition task force as
 32 created in 1996 Iowa Acts, House File 2421, if
 33 enacted, a representative from the national electrical
 34 contractors association, Iowa chapter, shall be a
 35 member of the task force rather than a representative
 36 from the Iowa chapter, national electrical
 37 association.”

38 14. Page 21, line 18, by inserting after the word
 39 “building” the following: “and the old historical
 40 building”.

41 15. Page 21, by inserting after line 30 the
 42 following:

43 “Sec. ____ DEPARTMENT OF HUMAN SERVICES – LOCAL
 44 PURCHASE. There is appropriated from the general fund
 45 of the state to the department of human services for
 46 the fiscal year beginning July 1, 1995, and ending
 47 June 30, 1996, the following amount, or so much
 48 thereof as is necessary, to be used for the purpose
 49 designated:

50 For replacement of federal social services block

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1 grant funding allocated in 1995 Iowa Acts, chapter
 2 208, section 10, subsection 3, paragraphs “d” and “g”,
 3 and subsequently reduced by the federal government,
 4 for local administrative costs and other local
 5 services and for local purchase of services for
 6 persons with mental illness or mental retardation or
 7 other developmental disability:

8 \$ 1,600,000

9 Sec. ____ DEPARTMENT OF HUMAN SERVICES – SPECIAL
 10 AUTHORIZATION. Notwithstanding sections 8.33 and
 11 8.62, and any other provision of law to the contrary,
 12 not more than \$2,200,000 of moneys appropriated to the
 13 department of human services for the fiscal year

14 beginning July 1, 1995, and ending June 30, 1996,
15 which remain unobligated or unexpended shall not
16 revert to the fund from which appropriated but shall
17 remain available in the succeeding fiscal year for use
18 as follows:

19 1. For the adolescent tracking and monitoring
20 program, \$1,200,000.

21 2. For upgrading computer hardware, \$1,000,000.
22 If the actual amount of moneys available pursuant
23 to this section is less than \$2,200,000, the
24 department shall prorate the actual amount based upon
25 the relative amounts allocated in subsections 1 and
26 2.”

27 16. Page 22, lines 5 and 6, by striking the words
28 “department of personnel” and inserting the following:
29 “Iowa public employees’ retirement system”.

30 17. Page 22, line 18, by striking the words
31 “department of personnel” and inserting the following:
32 “Iowa public employees’ retirement system”.

33 18. Page 22, line 23, by striking the words
34 “department of personnel” and inserting the following:
35 “system”.

36 19. Page 23, by striking lines 4 through 7 and
37 inserting the following: “to be located in southwest
38 Iowa.”

39 20. Page 24, by inserting after line 28 the
40 following:

41 “Sec. ____ WORKFORCE DEVELOPMENT FUND. There is
42 appropriated from the workforce development fund
43 account, as established in 1996 Iowa Acts, Senate File
44 2351, section 1, for the fiscal year beginning July 1,
45 1996, and ending June 30, 1997, to the workforce
46 development fund created in section 15.343, the
47 following amount for the purposes of the workforce
48 development fund:
49 \$ 3,152,000”

50 21. By striking page 24, line 29, through page

Page 5

1 25, line 19.

2 22. By striking page 25, line 20, through page
3 26, line 3.

4 23. Page 26, by striking lines 4 through 25.

5 24. Page 27, by inserting after line 23 the
6 following:

7 “Sec. ____ DEPARTMENT OF HUMAN SERVICES CONTINGENT
8 REDUCTION. Notwithstanding contrary provisions of
9 section 8.41, subsection 3, as enacted by 1996 Iowa
10 Acts, House File 2256, if during the fiscal year
11 beginning July 1, 1996, the department of human
12 services receives federal funding for child day care
13 assistance which is unanticipated and has not been

14 budgeted, the funding shall be used as provided in
 15 1996 Iowa Acts, Senate File 2442, section 6, if
 16 enacted, and the appropriation in that section is
 17 reduced by an equivalent amount.

18 Sec. ____ GROUP FOSTER CARE TARGET.

19 Notwithstanding 1996 Iowa Acts, Senate File 2442,
 20 section 10, subsection 2, paragraph "a", if enacted,
 21 the amount allocated as the statewide expenditure
 22 target under section 242.143 for group foster care
 23 maintenance and services is \$23,601,280.

24 Sec. ____ 1996 Iowa Acts, House File 2472, section
 25 21, subsection 2, paragraph b, unnumbered paragraph 2,
 26 if enacted, is amended to read as follows:

27 The department of public safety, with the approval
 28 of the department of management, may employ no more
 29 than two special agents and four gaming enforcement
 30 officers for each additional riverboat regulated after
 31 March 31, 1996, and one special agent for each racing
 32 facility which becomes operational during the fiscal
 33 year beginning July 1, 1996. One additional gaming
 34 enforcement officer, up to a total of four per boat,
 35 may be employed for each riverboat that has extended
 36 operations to 24 hours and has not previously operated
 37 with a 24-hour schedule. Positions authorized in this
 38 paragraph are in addition to the full-time equivalent
 39 positions authorized in this subsection."

40 25. Page 32, by inserting after line 31 the
 41 following:

42 "Sec. ____ Section 159.29, subsection 2,
 43 unnumbered paragraph 1, Code 1995, is amended to read
 44 as follows:

45 An owner of an agricultural drainage well and a
 46 landholder whose land is drained by the well or wells
 47 of another person shall develop, in consultation with
 48 the department of agriculture and land stewardship and
 49 the department of natural resources, a plan which
 50 proposes alternatives to the use of agricultural

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1 drainage wells by July 1, 1996 1998."

2 26. Page 35, by inserting after line 2 the
 3 following:

4 "Sec. ____ NEW SECTION. 279.8A TRAFFIC AND
 5 PARKING.

6 The board may make necessary rules to provide for
 7 the policing, control, and regulation of traffic and
 8 parking of vehicles and bicycles on school grounds.
 9 The rules may provide for the use of institutional
 10 roads, driveways, and grounds; registration of
 11 vehicles and bicycles; the designation of parking
 12 areas; the erection and maintenance of signs
 13 designating prohibitions or restrictions; the

14 installation and maintenance of parking control
15 devices; and assessment, enforcement, and collection
16 of reasonable penalties for the violation of the
17 rules.

18 Rules made under this section may be enforced under
19 procedures adopted by the board. Penalties may be
20 imposed for violation of the rules, including, but not
21 limited to, a reasonable monetary penalty. The rules
22 made under this section may also be enforced by the
23 impoundment of vehicles and bicycles for violation of
24 the rules. The board shall establish procedures for
25 the determination of controversies in connection with
26 the imposition of penalties. The procedures must
27 require giving notice of the violation and the penalty
28 prescribed and providing the opportunity for an
29 administrative hearing.

30 The board may contract with a city or county to
31 enforce rules made under this section by ordinance of
32 the city or county, and shall consult with local
33 government transportation officials to ensure that
34 rules made pursuant to this section are not in
35 conflict with city or county parking and traffic
36 ordinances.

37 Sec. ____ Section 356.7, as enacted by 1996 Iowa
38 Acts, Senate File 2352, section 1, is amended to read
39 as follows:

40 356.7. CHARGE FOR ROOM AND BOARD - LIEN.

41 1. The county sheriff may charge a prisoner who is
42 eighteen years of age or older for the room and board
43 provided to the prisoner while in the custody of the
44 county sheriff. Moneys collected by the sheriff under
45 this section shall be credited to the county general
46 fund and distributed as provided in this section. If
47 a prisoner fails to pay for the room and board, the
48 sheriff may file a room and board reimbursement lien
49 as provided in subsection 2. The county attorney may
50 file the room and board reimbursement lien on behalf

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1 of the sheriff and the county. This section does not
2 apply to prisoners who are paying for their room and
3 board by court order pursuant to sections 356.26
4 through 356.35.

5 2. The sheriff or the county attorney, on behalf
6 of the sheriff, may file a room and board
7 reimbursement lien with the clerk of the district
8 court which shall include all of the following
9 information, if known:

10 a. The name and date of birth of the person whose
11 property or other interests are subject to the lien.

12 b. The present address of the residence and
13 principal place of business of the person named in the

14 lien.

15 c. The criminal proceeding pursuant to which the
16 lien is filed, including the name of the court, the
17 title of the action, and the court's file number.

18 d. The name and address of the sheriff or the name
19 and address of the county attorney who is filing the
20 lien on behalf of the sheriff.

21 e. A statement that the notice is being filed
22 pursuant to this section.

23 f. The amount of room and board reimbursement the
24 person has been ordered to pay or is likely to be
25 ordered to pay.

26 3. The filing of a room and board reimbursement
27 lien in accordance with this section creates a lien in
28 favor of the sheriff in any personal or real property
29 identified in the lien to the extent of the interest
30 held in that property by the person named in the lien.

31 4. This section does not limit the right of the
32 sheriff to obtain any other remedy authorized by law.

33 5. Of the moneys collected and credited to the
34 county general fund as provided in this section, sixty
35 percent of the moneys collected shall be used for the
36 following purposes:

37 a. Courthouse security equipment and law
38 enforcement personnel costs.

39 b. Infrastructure improvements of a jail including
40 new or remodeling costs.

41 c. Infrastructure improvements of juvenile
42 detention facilities, including new or remodeling
43 costs.

44 The sheriff may submit a plan or recommendations to
45 the county board of supervisors for the use of the
46 funds as provided in this subsection or the sheriff
47 and board may jointly develop a plan for the use of
48 the funds.

49 The county board of supervisors shall review the
50 plan or recommendations submitted by the sheriff

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1 during the normal budget process of the county.”

2 27. Page 35, by inserting after line 32 the
3 following:

4 “Sec. ____ **NEW SECTION. 509A.14A IOWA INDIVIDUAL**
5 **HEALTH BENEFIT REINSURANCE ASSOCIATION – ELECTION NOT**
6 **TO PARTICIPATE.**

7 A political subdivision of the state, other than a
8 school corporation, providing health insurance or
9 health benefits for employees pursuant to section
10 509A.14 may elect not to participate in the Iowa
11 individual health benefit reinsurance association
12 established in section 513C.10 in accordance with and
13 subject to the terms and conditions adopted by the

14 board of the Iowa individual health benefit
 15 reinsurance association. Health insurance or health
 16 benefits provided by a political subdivision of the
 17 state, other than a school corporation, which elects
 18 not to participate in the Iowa individual health
 19 benefit reinsurance association shall not be
 20 considered qualifying existing coverage or qualifying
 21 previous coverage as defined in section 513C.3.
 22 Sec. ____ Section 602.8107, subsection 2,
 23 paragraph d, Code Supplement 1995, is amended to read
 24 as follows:

25 d. Court costs, including correctional fees
 26 assessed pursuant to sections 356.7 and 904.108,
 27 court-appointed attorney fees, or public defender
 28 expenses."

29 28. Page 36, by inserting after line 5 the
 30 following:

31 "Sec. ____ Section 904.108, Code 1995, is amended
 32 by adding the following new subsection:
 33 NEW SUBSECTION. 7. The director may charge an
 34 inmate a correctional fee for custodial expenses
 35 incurred or which may be incurred while the inmate is
 36 in the custody of the department. The custodial
 37 expenses may include, but are not limited to, board
 38 and room, medical and dental fees, education costs,
 39 clothing costs, and the costs of supervision,
 40 services, and treatment to the inmate. The
 41 correctional fee shall not exceed the actual cost of
 42 keeping the inmate in custody. The correctional fees
 43 shall be assessed as court costs and any correctional
 44 fees collected pursuant to this subsection shall be
 45 credited to the general fund of the state. The
 46 correctional fees shall be collected as other court
 47 costs pursuant to section 602.8107. This subsection
 48 does not limit the right of the director to obtain any
 49 other remedy authorized by law."

50 29. Page 36, by inserting after line 9 the

Page 9

1 following:

2 "DIVISION
 3 COUNTY PROVISIONS

4 Sec. 100. Section 331.424, subsection 1, paragraph
 5 a, subparagraph (1), Code Supplement 1995, is amended
 6 to read as follows:

7 (1) The costs of inpatient or outpatient substance
 8 abuse admission, commitment, transportation, care, and
 9 treatment at any of the following:

10 (a) ~~Care and treatment of persons at the The~~
 11 ~~alcoholic treatment center at Oakdale. However, the~~
 12 ~~county may require that an admission to the center~~
 13 ~~shall be reported to the board by the center within~~

14 five days as a condition of the payment of county
15 funds for that admission.

16 (b) A state mental health institute, or a
17 community-based public or private facility or service.

18 Sec. ____ Section 331.424A, subsection 4, Code
19 Supplement 1995, as amended by 1996 Iowa Acts, Senate
20 File 2030, section 1, is amended to read as follows:

21 4. For the fiscal year beginning July 1, 1996, and
22 for each subsequent fiscal year, the county shall
23 certify a levy for payment of services. ~~Unless~~
24 ~~otherwise provided by state law, for~~ For each fiscal
25 year, county revenues from taxes imposed by the county
26 credited to the services fund shall not exceed an
27 amount equal to the amount of base year expenditures
28 for services as defined in section 331.438, less the
29 amount of property tax relief to be received pursuant
30 to section 426B.2, subsections 1 and 3, in the fiscal
31 year for which the budget is certified. The county
32 auditor and the board of supervisors shall reduce the
33 amount of the levy certified for the services fund by
34 the amount of property tax relief to be received. A
35 levy certified under this section is not subject to
36 the appeal provisions of sections 331.426 and 444.25B
37 or to any other provision in law authorizing a county
38 to exceed, increase, or appeal a property tax levy
39 limit.

40 Sec. ____ Section 426B.1, Code Supplement 1995, is
41 amended by adding the following new subsection:
42 **NEW SUBSECTION.** 3. There is annually appropriated
43 from the property tax relief fund to the department of
44 human services to supplement the medical assistance
45 appropriation for the fiscal year beginning July 1,
46 1997, and for succeeding fiscal years, six million six
47 hundred thousand dollars to be used for the nonfederal
48 share of the costs of services provided to minors with
49 mental retardation under the medical assistance
50 program to meet the requirements of section 249A.12,

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1 subsection 4. The appropriation in this subsection
2 shall be charged to the property tax relief fund prior
3 to the distribution of moneys from the fund under
4 section 426B.2 and the amount of moneys available for
5 distribution shall be reduced accordingly. However,
6 the appropriation in this subsection shall be
7 considered to be a property tax relief payment for
8 purposes of the combined amount of payments required
9 to achieve fifty percent of the counties' base year
10 expenditures as provided in section 426B.2, subsection
11 3.

12 Sec. ____ Section 444.25A, subsection 2, paragraph
13 e, unnumbered paragraph 2, Code Supplement 1995, is

14 amended to read as follows:

15 For purposes of this paragraph, the price index for
16 government purchases by type for state and local
17 governments is defined by the bureau of economic
18 analysis of the United States department of commerce
19 and published in table 7.11 of the national income and
20 products accounts. For the fiscal years beginning
21 July 1, 1995, and July 1, 1996, the price index used
22 shall be the revision published in the November 1994
23 and November 1995 issues, respectively, of the United
24 States department of commerce publication, "survey of
25 current business". For purposes of this paragraph,
26 tax dollars levied in the fiscal years beginning July
27 1, 1994, and July 1, 1995, shall not include funds
28 levied for paragraphs "a", "b", and "c", and "d" of
29 this subsection.

30 Sec. ____ Section 444.25B, subsection 1,
31 unnumbered paragraph 1, Code Supplement 1995, is
32 amended to read as follows:

33 The maximum amount of property tax dollars which
34 may be certified by a county for taxes payable in the
35 fiscal year beginning July 1, 1997, shall not exceed
36 the amount of property tax dollars certified by the
37 county for taxes payable in the fiscal year beginning
38 July 1, 1996, ~~minus the amount by which the property~~
39 ~~tax relief moneys to be received by the county in the~~
40 ~~fiscal year beginning July 1, 1997, pursuant to~~
41 ~~section 426B.2, subsections 1 and 3, exceed the amount~~
42 ~~of the property tax relief moneys received in the~~
43 ~~fiscal year beginning July 1, 1996, for each of the~~
44 levies for the following, except for the levies on the
45 increase in taxable valuation due to new construction,
46 additions or improvements to existing structures,
47 remodeling of existing structures for which a building
48 permit is required, annexation, and phasing out of tax
49 exemptions, and on the increase in valuation of
50 taxable property as a result of a comprehensive

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1 revaluation by a private appraiser under a contract
2 entered into prior to January 1, 1992, or as a result
3 of a comprehensive revaluation directed or authorized
4 by the conference board prior to January 1, 1992, with
5 documentation of the contract, authorization, or
6 directive on the revaluation provided to the director
7 of revenue and finance, if the levies are equal to or
8 less than the levies for the previous year, levies on
9 that portion of the taxable property located in an
10 urban renewal project the tax revenues from which are
11 no longer divided as provided in section 403.19,
12 subsection 2, or as otherwise provided in this
13 section:

14 Sec. ____ Section 444.25B, subsection 2, Code
 15 Supplement 1995, is amended by adding the following
 16 new paragraph after paragraph d and relettering the
 17 subsequent paragraph:

18 NEW PARAGRAPH. dd. Mental health, mental
 19 retardation, and developmental disabilities services
 20 fund under section 331.424A.

21 Sec. ____ Section 444.25B, subsection 2, paragraph
 22 e, unnumbered paragraphs 1 and 2, Code Supplement
 23 1995, are amended to read as follows:

24 Unusual need for additional moneys to finance
 25 existing programs which would provide substantial
 26 benefit to county residents or compelling need to
 27 finance new programs which would provide substantial
 28 benefit to county residents. The increase in taxes
 29 levied under this exception for the fiscal year
 30 beginning July 1, 1997, is limited to no more than the
 31 product of the total tax dollars levied in the fiscal
 32 year beginning July 1, 1996, and the percent change,
 33 computed to two decimal places, ~~in the price index for~~
 34 ~~government purchases by type for state and local~~
 35 ~~governments computed between the preliminary price~~
 36 ~~index for the third quarter of calendar year 1996 from~~
 37 ~~that computed and the revised price index for the~~
 38 ~~third quarter of calendar year 1995 as published in~~
 39 ~~the same issue in which the preliminary 1996 third~~
 40 ~~quarter price index is first published.~~

41 ~~For purposes of this paragraph, the price index for~~
 42 ~~government purchases by type for state and local~~
 43 ~~governments is defined by the bureau of economic~~
 44 ~~analysis of the United States department of commerce~~
 45 ~~and published in table 7.11 of the national income and~~
 46 ~~products accounts. For the fiscal year beginning July~~
 47 ~~1, 1997, the price index used shall be the revision~~
 48 ~~published in the November 1996 edition of the United~~
 49 ~~States department of commerce publication, "survey of~~
 50 ~~current business" state and local government chain-~~

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1 type price index used in the quantity and price
 2 indexes for gross domestic product, as published by
 3 the bureau of economic analysis of the United States
 4 department of commerce in the national income and
 5 products accounts as published in "survey of current
 6 business". For purposes of this paragraph, tax
 7 dollars levied in the fiscal year beginning July 1,
 8 1996, shall not include funds levied for paragraphs
 9 "a", "b", and "c", "d", and "dd" of this subsection.

10 Sec. ____ Section 444.25B, Code Supplement 1995,
 11 is amended by adding the following new subsection:
 12 NEW SUBSECTION. 5. MH/MR/DD LEVY ADJUSTMENT. A
 13 county which did not certify the maximum levy

14 authorized for the county's mental health, mental
15 retardation, and developmental disabilities services
16 fund under section 331.424A, subsection 4, for the
17 fiscal year beginning July 1, 1996, may certify up to
18 the maximum authorized levy under the services fund
19 for the fiscal year beginning July 1, 1997. However,
20 any amount of increase in the certified services fund
21 levy under this subsection over the amount certified
22 for the services fund in the previous fiscal year
23 shall be offset by an equivalent decrease in the
24 amount certified by the county for general county
25 services.

26 Sec. __. EFFECTIVE DATE. Section 100 of this
27 division of this Act, relating to substance abuse
28 treatment costs, being deemed of immediate importance,
29 takes effect upon enactment."

30 30. Title page, line 1, by striking the words
31 "state expenditure" and inserting the following:
32 "public levy, expenditure,".

33 31. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

Houser of Pottawattamie offered amendment H-6076, to the committee amendment H-6068, filed by him from the floor as follows:

H-6076

1 Amend the amendment, H-6068, to Senate File 2470,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by striking line 17 and inserting the
5 following: ", reduced by up to an equivalent amount,
6 to the extent that federal funding for child day care
7 is not jeopardized by the reduction of the
8 appropriation in that section."

The House stood at ease at 7:27 p.m., until the fall of the gavel.

The House resumed session at 8:02 p.m., and consideration of amendment H-6076, to the committee amendment H-6068, Renken of Grundy in the chair.

On motion by Houser of Pottawattamie, amendment H-6076, to the committee amendment H-6068, was adopted.

Murphy of Dubuque offered the following amendment H-6078, to the committee amendment H-6068, filed by Kreiman of Davis from the floor and moved its adoption.

H-6078

1 Amend the amendment, H-6068, to Senate File 2470,
2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 7, line 48, by inserting after the word
 5 "funds," the following: "Subject to the requirements
 6 of this subsection, funds may be used in the manner
 7 set forth in an agreement entered into under chapter
 8 28E."

Amendment H-6078 was adopted.

On motion by Millage of Scott, the committee amendment H-6068, as amended, was adopted.

Millage of Scott offered the following amendment H-6077 filed by him and Murphy from the floor and moved its adoption:

H-6077

- 1 Amend Senate File 2470, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 11 the
 4 following:
 5 "Sec. ____ Section 261.12, Code Supplement 1995,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 1A. The amount of a tuition grant
 8 to a qualified full-time student for the summer
 9 semester or trimester equivalent shall be one-half the
 10 amount of the tuition grant the student receives under
 11 subsection 1.
 12 Sec. ____ Section 261.12, subsection 2, Code
 13 Supplement 1995, is amended to read as follows:
 14 2. The amount of a tuition grant to a qualified
 15 part-time student enrolled in a course of study
 16 including at least three semester hours but fewer than
 17 twelve semester hours for the fall, and spring, and
 18 summer semesters, or the trimester or quarter
 19 equivalent, shall be equal to the amount of a tuition
 20 grant that would be paid to a full-time student times
 21 a number which represents the number of hours in which
 22 the part-time student is actually enrolled divided by
 23 twelve semester hours, or the trimester or quarter
 24 equivalent.
 25 Sec. ____ Section 261.13, Code 1995, is amended to
 26 read as follows:
 27 261.13 ANNUAL GRANT.
 28 A tuition grant may be made annually for ~~both~~ the
 29 ~~fall, and spring, and summer~~ semesters or the
 30 trimester equivalent. Payments under the grant shall
 31 be allocated equally among the semesters or trimesters
 32 and shall be paid at the beginning of each semester or
 33 trimester upon certification by the accredited private
 34 institution that the student is admitted and in
 35 attendance. If the student discontinues attendance
 36 before the end of any semester or trimester after

37 receiving payment under the grant, the entire amount
38 of any refund due that student, up to the amount of
39 any payments made under the annual grant, shall be
40 paid by the accredited private institution to the
41 state.”
42 2. By renumbering as necessary.

Amendment H-6077 was adopted.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-6060 filed by him from the floor.

Fallon of Polk offered the following amendment H-6075 filed by him from the floor and moved its adoption:

H-6075

1 Amend Senate File 2470, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, by striking lines 19 through 28.
4 2. By renumbering as necessary.

Amendment H-6075 lost.

Warnstadt of Woodbury offered the following amendment H-6062 filed by him and Weigel from the floor and moved its adoption:

H-6062

1 Amend Senate File 2470, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 30, by inserting after line 18 the
4 following:
5 “Sec. ____ NEW SECTION. 28E.41 EMERGENCY
6 SERVICES- CONTRACTS FOR MUTUAL AID.
7 1. A city fire department, benefited fire
8 district, or township fire department may enter into
9 contracts providing for mutual aid regarding emergency
10 services provided by such department or district. The
11 contracts that are agreed upon may provide for
12 compensation from the parties and other terms that are
13 agreeable to the parties and may be for an indefinite
14 period as long as they include a sixty-day
15 cancellation notice by any party. The contracts
16 agreed upon shall not be entered into for the purpose
17 of reducing the number of employees of any party.
18 2. A city fire department, benefited fire
19 district, or township fire department may provide
20 assistance to any other such department or district in
21 the state at the time of a significant emergency such
22 as a fire, earthquake, flood, tornado, hazardous
23 material incident, or other such disaster. The chief
24 or highest ranking fire officer of an assisting

25 department or district may render aid to a requesting
 26 department or district as long as the chief or officer
 27 is acting in accordance with the policies and
 28 procedures set forth by the governing board of the
 29 assisting department or district.

30 3. The chief or highest ranking officer of the
 31 city fire department, benefited fire district, or
 32 township fire department of the district within which
 33 the incident occurs shall maintain control of the
 34 incident in accordance with the provisions of chapter
 35 102. The chief or highest ranking officer of the
 36 department or district giving mutual aid shall be in
 37 charge of the assisting departmental or district
 38 personnel."

39 2. Page 35, by inserting after line 32 the
 40 following:

41 "Sec. ____ Section 613.17, Code 1995, is amended
 42 to read as follows:

43 613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.

44 A person, who in good faith renders emergency care
 45 or assistance without compensation, shall not be
 46 liable for any civil damages for acts or omissions
 47 occurring at the place of an emergency or accident or
 48 while the person is in transit to or from the
 49 emergency or accident or while the person is at or
 50 being moved to or from an emergency shelter unless

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1 such acts or omissions constitute recklessness. For
 2 purposes of this section, if a volunteer fire fighter,
 3 a volunteer operator or attendant of an ambulance or
 4 rescue squad service, a volunteer paramedic, a
 5 volunteer emergency medical technician, or a volunteer
 6 registered member of the national ski patrol system
 7 receives nominal compensation not based upon the value
 8 of the services performed, that person shall be
 9 considered to be receiving no compensation. The
 10 operation of a motor vehicle in compliance with
 11 section 321.231 by a volunteer fire fighter, volunteer
 12 operator, or attendant of an ambulance or rescue squad
 13 service, a volunteer paramedic, or volunteer emergency
 14 medical technician shall be considered rendering
 15 emergency care or assistance for purposes of this
 16 section. For purposes of this section, a person
 17 rendering emergency care or assistance includes a
 18 person involved in a workplace rescue arising out of
 19 an emergency or accident."

20 3. By renumbering as necessary.

Amendment H-6062 was adopted.

Weigel of Chickasaw offered the following amendment H-6069 filed by him from the floor and moved its adoption:

H-6069

1 Amend Senate File 2470, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 36, by inserting after line 9, the
4 following:

5 "DIVISION
6 SPECIAL REGISTRATION PLATES - SURVIVING SPOUSE
7 Sec. ____ The state department of transportation
8 shall allow the surviving spouse of a person who was
9 issued prisoner of war plates pursuant to section
10 321.34, subsection 8, to continue to use the special
11 plates, subject to registration of the special plates
12 in the surviving spouse's name and upon payment of the
13 annual registration fee. If the surviving spouse
14 remarries, the surviving spouse shall return the
15 special plates to the department and the department
16 shall issue regular registration plates to the
17 surviving spouse.

18 This division of this Act, being deemed of
19 immediate importance, takes effect upon enactment."
20 2. By renumbering as necessary.

Amendment H-6069 was adopted.

Millage of Scott offered the following amendment H-6079 filed by him from the floor and moved its adoption:

H-6079

1 Amend Senate File 2470, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 36, by inserting after line 9 the
4 following:

5 "DIVISION 101
6 ECONOMIC DEVELOPMENT AND RELATED APPROPRIATIONS
7 AND STATUTORY CHANGES

8 Sec. 150. There is appropriated from the general
9 fund of the state and other designated funds to the
10 department of economic development for the fiscal year
11 beginning July 1, 1996, and ending June 30, 1997, the
12 following amounts, or so much thereof as is necessary,
13 to be used for the purposes designated:

14 1. ADMINISTRATIVE SERVICES DIVISION
15 a. General administration

16 For salaries, support, maintenance, miscellaneous
17 purposes, and for providing that a business receiving
18 moneys from the department for the purpose of job
19 creation shall make available ten percent of the new
20 jobs created for promise jobs program participants who

21 are qualified for the jobs created and for not more
 22 than the following full-time equivalent positions:
 23 \$ 1,405,687
 24 FTEs 23.75

25 The director shall coordinate efforts with the
 26 workforce coordinator and the department of workforce
 27 development if enacted by Senate File 2409, to
 28 implement the intent of the general assembly regarding
 29 businesses receiving job creation moneys and shall
 30 report to the joint appropriations subcommittee on
 31 economic development regarding the number of jobs to
 32 be created by each business, the number of qualified
 33 promise jobs participants applying with the business,
 34 and the number of promise jobs participants hired.

35 b. Film office
 36 For salaries, support, maintenance, miscellaneous
 37 purposes, and for not more than the following full-
 38 time equivalent positions:
 39 \$ 199,341
 40 FTEs 2.00

41 2. BUSINESS DEVELOPMENT DIVISION

42 a. Business development operations
 43 For salaries, support, maintenance, miscellaneous
 44 purposes, for not more than the following full-time
 45 equivalent positions, for allocating \$495,000 to the
 46 heartland technology network, \$150,000 to the graphic
 47 arts center, and \$100,000 to the university of
 48 northern Iowa for operation of industrial technology
 49 programs at the Iowa plastics technology center
 50 located in Waverly, Iowa, for allocating \$75,000 for

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1 the purposes of the regulatory assistance program, and
 2 for allocating \$60,000, and up to a 0.50 full-time
 3 equivalent position to administer the heartland
 4 technology network, the graphic arts technology
 5 center, and the plastics technology center:
 6 \$ 3,890,775
 7 FTEs 17.75

8 b. Small business programs
 9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions for the small business
 12 program, the small business advisory council, and
 13 targeted small business program:
 14 \$ 498,756
 15 FTEs 6.00

16 c. Federal procurement office
 17 For salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:
 20 \$ 96,492
 21 FTEs 3.00

22 Notwithstanding section 8.33, moneys remaining
 23 unencumbered or unobligated on June 30, 1997, shall
 24 not revert and shall be available for expenditure
 25 during the fiscal year beginning July 1, 1997, for the
 26 same purposes.

27 d. Strategic investment fund

28 For deposit in the strategic investment fund for
 29 salaries, support, for not more than the following
 30 full-time equivalent positions, and for allocating
 31 from the funds remaining unobligated in the Wallace
 32 technology transfer foundation fund on June 30, 1996,
 33 notwithstanding section 8.33, \$200,000 for a study
 34 regarding the feasibility of establishing an Iowa-
 35 based airline:

36	\$	6,707,638
37	FTEs	10.50

38 As a condition of any portion of the appropriation
 39 made under this lettered paragraph being used for
 40 awards from the community economic betterment account,
 41 the department shall provide that awards under the
 42 program of \$500,000 or more must be to businesses able
 43 to pay at least 130 percent of the average county
 44 wage, shall review the wage cap in high wage counties
 45 and provide that it is tied to an appropriate inflator
 46 for determining eligibility for awards, and shall
 47 provide, in addition to all other existing
 48 requirements for awards from the community economic
 49 betterment account, that the remaining 10 percent of
 50 the funds shall be transferred by the department to

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1 other programs within the strategic investment fund
 2 and used for purposes other than the community
 3 economic betterment program if, after 90 percent of
 4 funds in the account have been obligated for the
 5 fiscal year, either of the following conditions have
 6 not been met:

7 (1) All projects approved have starting wages not
 8 less than 90 percent of the lesser of either the
 9 average county wage or the average regional wage, as
 10 compiled annually by the department for the community
 11 economic betterment program. For the purposes of this
 12 lettered paragraph, the average regional wage shall be
 13 compiled based upon the service delivery areas in
 14 section 84B.2, if enacted by 1996 Iowa Acts, Senate
 15 File 2409.

16 (2) The average starting wage for the businesses
 17 for which the awards were made under the program shall
 18 exceed 100 percent of the statewide average wage.

19 Additionally, the department shall provide an
 20 annual report on the progress made by the department
 21 in making the community economic betterment program a

22 self-sustaining, revolving loan program.
 23 e. Targeted small business incubator
 24 Moneys appropriated for fiscal year 1995-1996 and
 25 not expended by June 30, 1996, shall not revert but
 26 shall be held by the department for funding, with
 27 local matching funds, the targeted small business
 28 incubator in Des Moines for the fiscal year beginning
 29 July 1, 1996, and ending June 30, 1997.

30 f. Insurance economic development
 31 There is appropriated from moneys collected by the
 32 division of insurance in excess of the anticipated
 33 gross revenues under section 505.7, subsection 3, to
 34 the department for the fiscal year beginning July 1,
 35 1996, and ending June 30, 1997, the following amount,
 36 or so much thereof as is necessary, for insurance
 37 economic development and international insurance
 38 economic development:

39 \$ 200,000

40 g. Value-added agriculture
 41 There is appropriated from the moneys available to
 42 support value-added agricultural products and
 43 processes, four percent, or so much thereof as is
 44 necessary, of the total moneys available to support
 45 value-added agricultural products and processes
 46 pursuant to section 423.24 each quarter for
 47 administration of the value-added agricultural
 48 products and processes financial assistance program as
 49 provided in section 15E.111, including salaries,
 50 support, maintenance, miscellaneous purposes, and for

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1 not more than 2.00 FTEs.

2 3. COMMUNITY DEVELOPMENT DIVISION

3 a. Community assistance

4 For salaries, support, maintenance, miscellaneous
 5 purposes, and for not more than the following full-
 6 time equivalent positions for administration of the Iowa
 7 community economic preparedness program, the Iowa
 8 community betterment program, and the city development
 9 boards:

10 \$ 578,943

11 FTEs 8.50

12 There is also appropriated from the rural community
 13 2000 program revolving fund established in section
 14 15.287 to the community assistance program for the
 15 purposes of the community economic preparedness
 16 program:

17 \$ 50,000

18 b. Main street/rural main street program

19 For salaries and support for not more than the
 20 following full-time equivalent positions:

21 \$ 413,530

22 FTEs 3.00

23 Notwithstanding section 8.33, moneys committed to
 24 grantees under contract from the general fund of the
 25 state that remain unexpended on June 30 of the fiscal
 26 year shall not revert to any fund but shall be
 27 available for expenditure for purposes of the contract
 28 during the succeeding fiscal year.

29 c. Rural development program

30 For salaries, support, maintenance, miscellaneous
 31 purposes, for not more than the following full-time
 32 equivalent positions, for rural resource coordination,
 33 rural community leadership, rural innovations grant
 34 program, and the rural enterprise fund and for
 35 allocating \$100,000 for the purposes of the
 36 microbusiness rural enterprise assistance program
 37 under section 15.114:

38	\$	711,181
39	FTEs	4.50

40 There is also appropriated from the rural community
 41 2000 program revolving fund established in section
 42 15.287 to the rural development program for the
 43 purposes of the program including the rural enterprise
 44 fund and collaborative skills development training:

45	\$	351,000
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46 Notwithstanding section 8.33, moneys committed to
 47 grantees under contract from the general fund of the
 48 state or through transfers from the Iowa community
 49 development loan fund or from the rural community 2000
 50 program revolving fund that remain unexpended at the

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1 end of the fiscal year shall not revert but shall be
 2 available for expenditure for purposes of the contract
 3 during the succeeding fiscal year.

4 d. Community development block grant and HOME

5 For administration and related federal housing and
 6 urban development grant administration for salaries,
 7 support, maintenance, miscellaneous purposes, and for
 8 not more than the following full-time equivalent
 9 positions:

10	\$	403,974
11	FTEs	18.75

12 e. Councils of governments

13 There is appropriated from the rural community 2000
 14 program revolving fund established in section 15.287
 15 to provide to Iowa's councils of governments funds for
 16 planning and technical assistance funds to assist
 17 local governments to develop community development
 18 strategies for addressing long-term and short-term
 19 community needs:

20	\$	178,000
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21 f. Councils of governments

22 For distributing on a per capita basis to each

23	council of governments:		
24	.....	\$	50,000
25	g. Housing development fund		
26	For providing technical assistance to communities		
27	of all sizes and local financial institutions to help		
28	meet local housing needs and to provide and transfer		
29	matching funds for the HOME program:		
30	.....	\$	1,300,000
31	Notwithstanding section 8.33, moneys committed to		
32	grantees under contract from the housing development		
33	fund and moneys transferred for matching funds for the		
34	HOME program that remain unexpended or unobligated on		
35	June 30 of the fiscal year shall not revert to any		
36	fund but shall be available for obligation and		
37	expenditure for purposes of those programs during the		
38	succeeding fiscal year.		
39	4. INTERNATIONAL DIVISION		
40	a. International trade operations		
41	For salaries, support, maintenance, miscellaneous		
42	purposes, for not more than the following full-time		
43	equivalent positions, and for allocating \$100,000 to		
44	promote trade opportunities in Korea and the Pacific		
45	rim:		
46	.....	\$	1,027,950
47	.....	FTEs	10.00
48	From among the full-time equivalent positions		
49	authorized by this paragraph, one position shall		
50	concentrate on the export sale of grain, one on the		

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1	export sale of livestock, and one on the export sale		
2	of value-added agricultural products.		
3	b. Foreign trade offices		
4	For salaries, support, maintenance, and		
5	miscellaneous purposes:		
6	.....	\$	595,250
7	c. Export trade assistance program		
8	For export trade activities, including a program to		
9	encourage and increase participation in trade shows		
10	and trade missions by providing financial assistance		
11	to businesses for a percentage of their costs of		
12	participating in trade shows and trade missions, by		
13	providing for the lease/sublease of showcase space in		
14	existing world trade centers, by providing temporary		
15	office space for foreign buyers, international		
16	prospects, and potential reverse investors, and by		
17	providing other promotional and assistance activities,		
18	including salaries and support for not more than the		
19	following full-time equivalent position:		
20	.....	\$	275,000
21	.....	FTEs	0.25
22	d. Agricultural product advisory council		

23 For support, maintenance, and miscellaneous
 24 purposes:
 25 \$ 1,300
 26 e. For transfer to the partner state program which
 27 the department may use to contract with private groups
 28 or organizations which are the most appropriate to
 29 administer this program and the groups and
 30 organizations participating in the program shall, to
 31 the fullest extent possible, provide the funds to
 32 match the appropriation made in this subsection of the
 33 funds transferred:

34 \$ 100,000

35 5. TOURISM DIVISION

36 a. Tourism operations

37 For salaries, support, maintenance, miscellaneous
 38 purposes, for not more than the following full-time
 39 equivalent positions, and for allocating \$100,000 for
 40 a grant program for annual community celebrations of
 41 Iowa's agricultural heritage, provided that the
 42 appropriation shall not be used for advertising
 43 placements for in-state and out-of-state tourism
 44 marketing:

45 \$ 825,212

46 FTEs 18.52

47 b. Tourism advertising

48 For contracting exclusively for tourism advertising
 49 for in-state and out-of-state tourism marketing
 50 services, tourism promotion programs, electronic

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1 media, print media, and printed materials:
 2 \$ 2,737,000

3 The department shall not use the moneys
 4 appropriated in this lettered paragraph, unless the
 5 department develops public-private partnerships with
 6 Iowa businesses in the tourism industry, Iowa tour
 7 groups, Iowa tourism organizations, and political
 8 subdivisions in this state to assist in the
 9 development of advertising efforts. The department
 10 shall, to the fullest extent possible, develop
 11 cooperative efforts for advertising with contributions
 12 from other sources.

13 c. Welcome center program

14 To provide tourism materials for welcome centers:

15 \$ 100,000

16 Sec. ____ Notwithstanding section 15E.120,
 17 subsections 5, 6, and 7, and section 15.287, there is
 18 appropriated from the Iowa community development loan
 19 fund all the moneys available during the fiscal year
 20 beginning July 1, 1996, and ending June 30, 1997, to
 21 the department of economic development for the rural
 22 development program to be used by the department for

23 the purposes of the program.
 24 Sec. ____ Notwithstanding section 15.251,
 25 subsection 2, there is appropriated from the job
 26 training fund to the department of economic
 27 development for the fiscal year beginning July 1,
 28 1996, and ending June 30, 1997, the following amounts,
 29 or so much thereof as is necessary, to be used for the
 30 purposes designated:

31 For administration of chapter 260E, including
 32 salaries, support, maintenance, miscellaneous
 33 purposes, and for not more than the following full-
 34 time equivalent positions:
 35 \$ 160,000
 36 FTEs 2.40

37 Appropriations to the department of economic
 38 development for administration of chapter 260E and the
 39 department of employment services for the target
 40 alliance program shall be funded on a proportional
 41 basis if receipts to the job training fund are
 42 insufficient to fund both appropriations in their
 43 entirety.

44 Sec. ____ Of all funds appropriated to or receipts
 45 credited to the job training fund created in section
 46 260F.6, subsection 1, up to \$125,000 for the fiscal
 47 year beginning July 1, 1996, and ending June 30, 1997,
 48 and not more than 1.30 of the full-time equivalent
 49 positions may be used for the administration of the
 50 Iowa small business new job training Act.

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1 Sec. ____ Notwithstanding section 423.24,
 2 subsection 1, paragraph "b", subparagraph (1), there
 3 is appropriated for the fiscal year beginning July 1,
 4 1996, and ending June 30, 1997, \$100,000 of the total
 5 revenues collected pursuant to section 423.7 and
 6 deposited in the value-added agricultural products and
 7 processes financial assistance fund, pursuant to
 8 section 423.24, subsection 1, paragraph "b",
 9 subparagraph (1), to the Iowa cooperative extension
 10 service in agriculture and home economics at Iowa
 11 state university of science and technology for
 12 administration of the Iowa grain quality initiative.

13 Sec. ____ The Iowa seed capital corporation is
 14 authorized up to 5.00 FTEs. The seed capital
 15 corporation shall not make any new investments after
 16 June 30, 1997. The portfolio of investments held by
 17 the seed capital corporation on June 30, 1997, shall
 18 be transferred to a private entity for management of
 19 the investments.

20 Sec. ____ There is appropriated from the general
 21 fund of the state to the Iowa state university of
 22 science and technology for the fiscal year beginning

23 July 1, 1996, and ending June 30, 1997, the following
24 amounts, or so much thereof as is necessary, to be
25 used for the purposes designated:

26 1. For funding and maintaining in their current
27 locations the existing small business development
28 centers, and for not more than the following full-time
29 equivalent positions:

30 \$ 1,216,245
31 FTEs 5.80

32 2. For funding the institute for physical research
33 and technology, provided that \$318,358 shall be
34 allocated to the industrial incentive program in
35 accordance with the intent of the general assembly,
36 and for not more than the following full-time
37 equivalent positions:

38 \$ 4,124,607
39 FTEs 46.42

40 It is the intent of the general assembly that the
41 incentive program focus on Iowa industrial sectors and
42 seek contributions and in-kind donations from
43 businesses, industrial foundations, and trade
44 associations and that moneys for the institute for
45 physical research and technology industrial incentive
46 program shall only be allocated for projects which are
47 matched by private sector moneys for directed contract
48 research or for nondirected research. The match
49 required of small businesses as defined in section
50 15.102, subsection 4, for directed contract research

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1 or for nondirected research shall be \$1 for each \$3 of
2 state funds. The match required for other businesses
3 for directed contract research or for nondirected
4 research shall be \$1 for each \$1 of state funds. The
5 match required of industrial foundations or trade
6 associations shall be \$1 for each \$1 of state funds.

7 Iowa state university shall report annually to the
8 joint appropriations subcommittee on economic
9 development of the senate and house appropriations
10 committees the total amounts of private contributions,
11 the proportion of contributions from small businesses
12 and other businesses, and the proportion for directed
13 contract research and nondirected research of benefit
14 to Iowa businesses and industrial sectors.

15 Notwithstanding section 8.33, moneys appropriated
16 for any fiscal year which remain unobligated and
17 unexpended at the end of the fiscal year shall not
18 revert but shall be available for expenditure the
19 following fiscal year.

20 Sec. ____ There is appropriated from the general
21 fund of the state to the state university of Iowa for
22 the fiscal year beginning July 1, 1996, and ending

23 June 30, 1997, the following amount, or so much
24 thereof as is necessary, to be used for the purpose
25 designated:

26 For funding the advanced drug development program
27 at the Oakdale research park and for not more than the
28 following full-time equivalent positions:

29	\$	319,169
30	FTEs	2.85

31 The board of regents shall submit a report on the
32 progress of regents institutions in meeting the
33 strategic plan for technology transfer and economic
34 development to the chairpersons of the joint
35 appropriations subcommittee on economic development,
36 the joint appropriations subcommittee on education,
37 the majority leader and minority leader of the senate,
38 the majority and minority leaders of the house of
39 representatives, the secretary of the senate, the
40 chief clerk of the house of representatives, and the
41 legislative fiscal bureau by December 1, 1996.

42 Sec. ____ DEPARTMENT OF EMPLOYMENT SERVICES OR
43 DEPARTMENT OF WORKFORCE DEVELOPMENT. As used in this
44 section, references to the department of employment
45 services shall include the department of workforce
46 development if enacted by Senate File 2409. There is
47 appropriated from the general fund of the state, to
48 the department of employment services for the fiscal
49 year beginning July 1, 1996, and ending June 30, 1997,
50 the following amounts, or so much thereof as is

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1 necessary, for the purposes designated, including that
2 the department of employment services, the department
3 of personnel, and the department of management shall
4 ensure that all nonsupervisory full-time equivalent
5 positions authorized and funded for the department of
6 employment services in this section will be utilized
7 during the fiscal year beginning July 1, 1996, and
8 ending June 30, 1997, and during future fiscal years,
9 and will not be held vacant, to ensure that the
10 backlog of cases in that department will be reduced as
11 rapidly as possible:

12 1. DIVISION OF LABOR SERVICES

13 For salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-
15 time equivalent positions contingent upon the
16 enactment of section 12 of this Act and the provision
17 which requires moneys appropriated from the special
18 employment security contingency fund to first be used
19 to fully fund the appropriation of \$296,000 to the
20 division of labor services in subsection 1 of section
21 13 of this Act prior to funding the appropriation in
22 section 13 of this Act to the division of industrial

23 services:

24 \$ 2,729,542

25 FTEs 89.50

26 From the contractor registration fees, the division

27 of labor services shall reimburse the department of

28 inspections and appeals for all costs associated with

29 hearings under chapter 91C, relating to contractor

30 registration.

31 2. DIVISION OF INDUSTRIAL SERVICES

32 For salaries, support, maintenance, miscellaneous

33 purposes, and for not more than the following full-

34 time equivalent positions:

35 \$ 2,131,389

36 FTEs 33.00

37 3. For salaries, support, maintenance,

38 miscellaneous purposes, and for not more than the

39 following full-time equivalent position for a

40 workforce development coordinator and council:

41 \$ 141,606

42 FTEs 1.00

43 4. For the workforce development initiative to be

44 used to create model workforce development centers and

45 provide an integrated management information system:

46 \$ 275,000

47 5. For salaries, support, maintenance,

48 miscellaneous purposes for collection of labor market

49 information, and for not more than the following full-

50 time equivalent positions:

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1 \$ 173,250

2 FTEs 3.20

3 6. For salaries, support, maintenance, and

4 miscellaneous purposes for the mentoring project for

5 family investment program participants, and for not

6 more than the following full-time equivalent

7 positions:

8 \$ 72,000

9 FTEs 1.50

10 7. a. Youth workforce programs

11 For purposes of the conservation corps, including

12 allocating \$800,000 for a summer youth program for

13 cities of over 150,000 in population, salary, support,

14 maintenance, miscellaneous purposes, and for not more

15 than the following full-time equivalent positions:

16 \$ 1,718,661

17 FTEs 2.40

18 Notwithstanding section 8.33, moneys committed to

19 grantees under contract that remain unexpended on June

20 30 of the fiscal year shall not revert to any fund but

21 shall be available for expenditure for purposes of the

22 contract during the succeeding fiscal year.

23 b. Workforce investment program

24 For allocating \$425,000 to the workforce
25 development fund under section 15.343 for funding, to
26 the extent possible, the currently existing high
27 technology apprenticeship programs, under section
28 260C.44 at the community colleges, for the purposes of
29 the workforce investment program, and for a
30 competitive grant program by the department for
31 projects that increase Iowa's pool of available labor
32 via training and support services with priority given
33 to projects which serve displaced homemakers or
34 welfare recipients, including salaries and support,
35 and not more than the following full-time equivalent
36 position:

37	\$	903,000
38	FTEs	0.90

39 The department shall ensure that the workforce
40 investment program is coordinated with services
41 provided under the federal Job Training Partnership
42 Act and that welfare recipients receive priority for
43 services under both programs.

44 Notwithstanding section 8.33, moneys committed to
45 grantees under contract that remain unexpended at the
46 end of the fiscal year, shall not revert to any fund
47 but shall be available for expenditure for purposes of
48 the contract during the succeeding fiscal year.

49 c. Labor management councils

50 For salaries, support, maintenance, miscellaneous

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1 purposes, and for not more than the following full-
2 time equivalent position:

3	\$	100,338
4	FTEs	0.50

5 Notwithstanding section 8.33, moneys committed to
6 grantees under contract that remain unexpended on June
7 30 of the fiscal year shall not revert to any fund but
8 shall be available for expenditure for purposes of the
9 contract during the succeeding fiscal year. The
10 department shall not use moneys appropriated in this
11 lettered paragraph for grants to grantees who do not
12 facilitate the active participation of labor as
13 members of labor management councils or who fail to
14 make a good faith effort to either schedule meetings
15 during nonworking hours or obtain voluntary agreements
16 with employers to allow employees time off to attend
17 labor management council meetings with no loss of pay
18 or other benefits.

19 Sec. ____ Notwithstanding section 15.251,
20 subsection 2, there is appropriated from the job
21 training fund to the department of employment services
22 for the fiscal year beginning July 1, 1996, and ending

23 June 30, 1997, the following amount, or so much
24 thereof as is necessary, to be used for the purpose
25 designated:

26 For the target alliance program:
27 \$ 30,000

28 Sec. ____ ADMINISTRATIVE CONTRIBUTION SURCHARGE

29 FUND. There is appropriated from the administrative
30 contribution surcharge fund of the state to the
31 department of employment services for the fiscal year
32 beginning July 1, 1996, and ending June 30, 1997, the
33 following amount, or so much thereof as is necessary,
34 for the purposes designated:

35 DIVISION OF JOB SERVICE

36 Notwithstanding section 96.7, subsection 12,
37 paragraph "c", for salaries, support, maintenance,
38 conducting labor availability surveys, miscellaneous
39 purposes, and for not more than the following full-
40 time equivalent positions:

41 \$ 6,310,000
42 FTEs 141.54

43 1. The department of employment services shall
44 provide services throughout the fiscal year beginning
45 July 1, 1996, and ending June 30, 1997, in all
46 communities in which workforce centers were operating
47 on July 1, 1993. However, this provision shall not
48 prevent the consolidation of multiple offices within
49 the same city or the colocation of workforce centers
50 with another public agency.

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1 2. The division of industrial services shall not
2 reduce the number of scheduled hearings of contested
3 cases or eliminate the venue of such hearings, as
4 established by the division for the period beginning
5 January 1, 1996, and ending January 20, 1997. The
6 division shall also establish a substantially similar
7 schedule for such hearings for the period beginning
8 January 20, 1997, and ending June 30, 1997. The
9 division shall report to the legislative fiscal bureau
10 concerning any modification of the established
11 schedule, or any changes which the division determines
12 are necessary in establishing the schedule for the
13 period beginning January 20, 1997, and ending June 30,
14 1997.

15 3. The division shall continue charging a \$65
16 filing fee for workers' compensation cases. The
17 filing fee shall be paid by the petitioner of a claim.
18 However, the fee can be taxed as a cost and paid by
19 the losing party, except in cases where it would
20 impose an undue hardship or be unjust under the
21 circumstances.

22 Sec. ____ EMPLOYMENT SECURITY CONTINGENCY FUND.

23 There is appropriated from the special employment
 24 security contingency fund to the department of
 25 employment services for the fiscal year beginning July
 26 1, 1996, and ending June 30, 1997, the following
 27 amounts, or so much thereof as is necessary, for the
 28 purposes designated and subject to the requirement
 29 that the appropriation to the division of labor
 30 services under this section be fully funded from the
 31 special employment security contingency fund prior to
 32 any amounts being used to fund the appropriation made
 33 to the division of industrial services under this
 34 section:

35	1. DIVISION OF LABOR SERVICES	
36	For salaries, support, maintenance, and	
37	miscellaneous purposes:	
38	..... \$	296,000
39	2. DIVISION OF INDUSTRIAL SERVICES	
40	For salaries, support, maintenance, and	
41	miscellaneous purposes:	
42	..... \$	175,000

43 Any additional penalty and interest revenue may be
 44 used to accomplish the mission of the department.

45 Sec. ____ PUBLIC EMPLOYMENT RELATIONS BOARD.

46 There is appropriated from the general fund of the
 47 state to the public employment relations board for the
 48 fiscal year beginning July 1, 1996, and ending June
 49 30, 1997, the following amount, or so much thereof as
 50 is necessary, for the purposes designated:

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1	For salaries, support, maintenance, miscellaneous	
2	purposes, and for not more than the following full-	
3	time equivalent positions:	
4	..... \$	777,164
5	..... FTEs	12.80

6 Sec. ____ There is appropriated from the general
 7 fund of the state to the Iowa finance authority for
 8 the fiscal year beginning July 1, 1996, and ending
 9 June 30, 1997, the following amount, or so much
 10 thereof as is necessary, to be used for the purpose
 11 designated:

12	For deposit in the housing improvement fund created	
13	in section 16.100 for purposes of the fund:	
14	..... \$	400,000

15 Sec. ____ There is allocated from the unobligated
 16 funds remaining in the Wallace technology transfer
 17 foundation fund, after the allocation in section 150,
 18 subsection 2, paragraph "d", of this Act, on June 30,
 19 1996, \$100,000 for deposit in the housing improvement
 20 fund created in section 16.100 for the purposes of the
 21 fund. Any funds remaining shall not revert to any
 22 fund, notwithstanding section 8.33. Unobligated funds

23 remaining on June 30, 1997, shall revert to the
24 general fund of the state.

25 Sec. ____ NEW SECTION. 15.113 ECONOMIC
26 DEVELOPMENT ASSISTANCE – REPORT.

27 In order for the general assembly to have accurate
28 and complete information regarding expenditures for
29 economic development and job training incentives and
30 to respond to the job training needs of Iowa workers,
31 the department shall provide to the legislative fiscal
32 bureau by January 15 of each year data on all
33 assistance or benefits provided under the community
34 economic betterment program, the new jobs and income
35 program, and the Iowa industrial new jobs training Act
36 during the previous calendar year. The department
37 shall meet with the legislative fiscal bureau prior to
38 submitting the data to assure that its form and
39 specificity are sufficient to provide accurate and
40 complete information to the general assembly. The
41 department shall also contact other state agencies
42 providing financial assistance to Iowa businesses and,
43 to the extent practical coordinate the submission of
44 the data to the legislative fiscal bureau.

45 Sec. ____ NEW SECTION. 15.114 MICROBUSINESS
46 RURAL ENTERPRISE ASSISTANCE.

47 1. As used in this section:

48 a. "Department" means the department of economic
49 development.

50 b. "Microbusiness" or "microbusiness enterprise"

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1 means a business producing services with five or fewer
2 full-time equivalent employee positions and with
3 assistance requirements of not more than twenty-five
4 thousand dollars.

5 c. "Microbusiness organization" means a nonprofit
6 corporation organized under chapter 504A which is
7 exempt from taxation pursuant to section 501(c) of the
8 Internal Revenue Code and which has a principal
9 mission of actively engaging in microbusiness
10 development, training, technical assistance, and
11 capital access for the start-up or expansion of
12 microbusinesses.

13 2. The department shall contract with a
14 microenterprise organization actively engaged in
15 microbusiness enterprise to assist in the
16 establishment of this program. In order to qualify
17 for the contract, the microenterprise organization
18 shall do all of the following:

19 a. Demonstrate a past performance of and a
20 capacity to successfully engage in microbusiness
21 development.

22 b. Have a statewide commitment to and focus on

23 microbusiness development.
 24 c. Provide training and technical assistance.
 25 d. Demonstrate an ability to provide access to
 26 capital for start-up or expansion of a microbusiness.
 27 e. Have established linkages with financial
 28 institutions.
 29 f. Demonstrate an ability to provide follow-up
 30 technical assistance after a microbusiness start-up or
 31 expansion.
 32 3. Moneys allocated pursuant to this section which
 33 remain unexpended or unobligated at the end of a
 34 fiscal year shall remain available to the department
 35 to support the assistance program or may be credited
 36 to the value-added agricultural products and processes
 37 financial assistance fund created in section 15E.112
 38 and shall not revert notwithstanding section 8.33.
 39 4. The department shall submit a report in
 40 accordance with section 7A.11 not later than November
 41 1 of each year detailing the activities of the
 42 microenterprise organization and describing the
 43 success of the project.
 44 Sec. ____ Section 15.313, subsection 2, Code 1995,
 45 is amended by adding the following new paragraphs:
 46 NEW PARAGRAPH. g. The entrepreneurs with
 47 disabilities program, which provides technical and
 48 financial assistance to help persons with disabilities
 49 become self-sufficient and create additional
 50 employment opportunities by establishing or expanding

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1 small business ventures.
 2 NEW PARAGRAPH. h. The job opportunities for
 3 persons with disabilities program, which provides
 4 service and technical assistance to rehabilitation
 5 organizations or agencies that create, expand, or spin
 6 off business ventures for persons with disabilities.
 7 Sec. ____ NEW SECTION. 15A.4 COMPETITIVE
 8 PROGRAMS – GOOD NEIGHBOR AGREEMENT – ADDITIONAL
 9 CONSIDERATION.
 10 For any program providing financial assistance for
 11 economic development in which the assistance is
 12 provided on a competitive basis, a business which
 13 enters into a good neighbor agreement shall receive
 14 extra consideration of at least ten points or the
 15 equivalent. A good neighbor agreement is an
 16 enforceable contract between the business and a
 17 community group or coalition of community groups which
 18 requires the business to adhere to negotiated
 19 environmental, economic, labor, or other social and
 20 community standards.
 21 A business which fails to abide by the good
 22 neighbor agreement shall repay all financial

23 assistance received under the program.
24 Sec. ____ Section 15E.112, subsection 1, Code
25 1995, is amended to read as follows:
26 1. A value-added agricultural products and
27 processes financial assistance fund is created within
28 the state treasury under the control of the
29 department. The fund shall consist of any money
30 appropriated by the general assembly and any other
31 moneys available to and obtained or accepted by the
32 department from the federal government or private
33 sources for placement in the fund. ~~Until July 1,~~
34 ~~2000, moneys shall be deposited in the fund as~~
35 ~~provided in section 423.24. Not more than one percent~~
36 ~~of the total moneys available to support value-added~~
37 ~~agricultural products and processes pursuant to~~
38 ~~section 423.24 during each quarter shall be used by~~
39 ~~the department for administration of the value-added~~
40 ~~agricultural products and processes financial~~
41 ~~assistance program, as provided in section 15E.111.~~
42 The assets of the fund shall be used by the department
43 only for carrying out the purposes of section 15E.111.
44 Sec. ____ For the fiscal year beginning July 1,
45 1996, and ending June 30, 1997, section 15.343,
46 subsection 2, paragraph "d", as amended in Senate File
47 2351, if enacted, shall be available for the funding
48 of innovative training and career opportunity
49 programming for minorities, provided such funding is
50 matched on a dollar-for-dollar basis by a

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1 participating community college.
2 Sec. ____ Notwithstanding sections 15.108, 15.224
3 through 15.230, 15.347, 15.348, and 239.22, the
4 department of employment services shall administer the
5 following programs: job training partnership Act,
6 Iowa conservation corps, americorps, mentoring for
7 promise jobs, food stamp employment and training, and
8 the labor/management co-op programs.
9 Sec. ____ FEDERAL GRANTS. All federal grants to
10 and the federal receipts of agencies appropriated
11 funds under this Act, not otherwise appropriated, are
12 appropriated for the purposes set forth in the federal
13 grants or receipts unless otherwise provided by the
14 general assembly."
15 2. By renumbering as necessary.

Roll call was requested by O'Brien of Boone and Murphy of Dubuque.

On the question "Shall amendment H-6079 be adopted?" (S.F. 2470)

The ayes were, 85:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Meyer	Millage	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Osterhaus	Rants	Schrader
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Renken, Presiding			

The nays were, 9:

Drees	Fallon	Harper	Koenigs
Metcalf	Moreland	Ollie	Schulte
Shultz			

Absent or not voting, 6:

Baker	Brammer	Grubbs	Jochum
Myers	Salton		

Amendment H-6079 was adopted.

MOTION TO RECONSIDER

Millage of Scott called up for immediate consideration the motion to reconsider the committee amendment H-6068, as amended, to Senate File 2470, filed from the floor, and moved to reconsider the vote by which the committee amendment H-6068, as amended, to Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates, was adopted by the House on May 1, 1996.

The motion prevailed and the House reconsidered the committee amendment H-6068, as amended, found on pages 2111-2123 of the House Journal.

The following amendment H-6086 to the committee amendment H-6068, filed by Millage of Scott from the floor, was adopted by unanimous consent:

H-6086

- 1 Amend the amendment H-6068, to Senate File 2470 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows;
- 4 1. Page 8, by striking lines 2 through 21.

On motion by Millage the committee amendment H-6068, as amended, was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2470)

The ayes were, 84:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohon	Connors
Coon	Corbett, Spkr.	Daggett	Dinkla
Disney	Doderer	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Meyer	Millage	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	Osterhaus
Rants	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Renken, Presiding

The nays were, 12:

Bernau	Cormack	Drees	Fallon
Grubbs	Koenigs	Kreiman	Metcalf
Moreland	O'Brien	Ollie	Schulte

Absent or not voting, 4:

Baker	Brammer	Myers	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **House File 560**, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates, amended by the Senate amendment H-6054 as follows:

H-6054

- 1 Amend House File 560, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting the following:
- 5 "a. If the owner is an individual, the designated
- 6 person includes the owner of the tract ~~or a person~~
- 7 ~~related to the owner as, the owner's spouse, parent,~~
- 8 ~~grandparent, the owner's child, grandchild, or~~
- 9 ~~stepchild, and their spouses, or the owner's relative~~
- 10 within the third degree of consanguinity, and the
- 11 relative's spouse."
- 12 2. Page 1, by striking lines 19 through 21 and
- 13 inserting the following: "the combined stock of the
- 14 family farm corporation owned by a designated person
- 15 as defined in paragraph "a" is equal to at least
- 16 fifty-one".
- 17 3. Page 1, by striking lines 25 and 26 and
- 18 inserting the following: "owned by a designated
- 19 person as defined in paragraph "a" is equal to at
- 20 least".
- 21 4. By renumbering, relettering, or redesignating
- 22 and correcting internal references as necessary.

Speaker Corbett in the chair at 8:50 p.m.

Vande Hoef of Osceola offered the following amendment H-6058, to the Senate amendment H-6054, filed by him and moved its adoption:

H-6058

- 1 Amend the Senate amendment, H-6054, to House File
- 2 560, as passed by the House, as follows:

- 3 1. Page 1, by striking lines 12 through 16.
4 2. By renumbering as necessary.

Amendment H-6058 was adopted.

On motion by Halvorson of Clayton, the House concurred in the Senate amendment H-6054, as amended.

Halvorson of Clayton moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 560)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brammer	Cataldo	Grubbs	Myers
Salton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF HOUSE RESOLUTION 113

Harrison of Scott asked and received unanimous consent for the immediate consideration of House Resolution 113, a resolution designating motorcycle awareness month in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 132

Vande Hoef of Osceola asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 132, a concurrent resolution recognizing the importance of the fossil crinoid, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 132** be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN

Millage of Scott asked and received unanimous consent to withdraw the motion to reconsider, filed from the floor, on Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates, which passed the House and was placed on its last reading.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2470** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Metcalf of Polk called up for consideration **House File 2369**, a bill for an act relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting, amended by the Senate amendment H-5821 as follows:

H-5821

- 1 Amend House File 2369, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 514C.11 POSTDELIVERY
6 BENEFITS AND CARE.
7 1. Notwithstanding section 514C.6, a person who
8 provides an individual or group policy of accident or
9 health insurance or individual or group hospital or
10 health care service contract issued pursuant to
11 chapter 509, 514, or 514A or an individual or group
12 health maintenance organization contract issued and
13 regulated under chapter 514B, which is delivered,
14 amended, or renewed on or after July 1, 1996, and
15 which provides maternity benefits, which are not
16 limited to complications of pregnancy, or newborn care
17 benefits, shall not terminate inpatient benefits or
18 require discharge of a mother or the newborn from a
19 hospital following delivery earlier than determined to
20 be medically appropriate by the attending physician
21 after consultation with the mother and in accordance
22 with guidelines adopted by rule by the commissioner.
23 The guidelines adopted by rule shall be consistent
24 with or may adopt by reference the guidelines for
25 perinatal care established by the American academy of
26 pediatrics and the American college of obstetricians
27 and gynecologists.
28 2. When performing utilization review of inpatient
29 hospital services related to maternity and newborn
30 care, including but not limited to length of
31 postdelivery stay, any person who provides an
32 individual or group policy of accident or health
33 insurance or individual or group hospital or health
34 care service contract issued pursuant to chapter 509,
35 514, or 514A, or an individual or group health
36 maintenance organization contract issued and regulated
37 under chapter 514B, shall use the most recent
38 guidelines for perinatal care established by the
39 American academy of pediatrics and the American
40 college of obstetricians and gynecologists."
41 2. Title page, by striking lines 2 and 3 and
42 inserting the following: "and newborns."

Metcalfe of Polk offered the following amendment H-6087, to the Senate amendment H-5821 filed by Metcalfe, Martin and Doderer from the floor and moved its adoption:

H-6087

- 1 Amend the Senate amendment, H-5821, to House File
2 2369, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 11, by inserting after the figure
5 "509," the following: "509A."
6 2. Page 1, line 27, by striking the word
7 "gynecologists." and inserting the following:

8 "gynecologists which provide that when complications
 9 are not present, the postpartum hospital stay ranges
 10 from a minimum of forty-eight hours for a vaginal
 11 delivery to a minimum of ninety-six hours for a
 12 cesarean birth, excluding the day of delivery. The
 13 guidelines adopted by rule by the commissioner shall
 14 also provide that in the event of a discharge from the
 15 hospital prior to the minimum stay established in the
 16 guidelines, a postdischarge follow-up visit shall be
 17 provided to the mother and newborn by providers
 18 competent in postpartum care and newborn assessment if
 19 determined medically appropriate as directed by the
 20 attending physician, in accordance with the
 21 guidelines."

22 3. Page 1, line 31, by inserting after the word
 23 "stay" the following: "and postdischarge follow-up
 24 care".

25 4. Page 1, line 34, by inserting after the figure
 26 "509," the following: "509A,".

27 5. Page 1, by striking lines 37 through 40 and
 28 inserting the following: "under chapter 514B, shall
 29 use the guidelines adopted by rule by the
 30 commissioner, and shall not deselect, require
 31 additional documentation, require additional
 32 utilization review, terminate services to, reduce
 33 payment to, or in any manner provide a disincentive to
 34 an attending physician solely on the basis that the
 35 attending physician provided or directed the provision
 36 of services in compliance with the guidelines adopted
 37 by rule."

38 6. Page 1, by inserting before line 41 the
 39 following:

40 "3. Preauthorization or precertification for a
 41 hospital stay or for a postdischarge follow-up visit
 42 in accordance with the guidelines adopted by rule by
 43 the commissioner shall not be required."

Amendment H-6087 was adopted.

Martin of Scott asked and received unanimous consent to withdraw amendment H-5867, to the Senate amendment H-5821, filed by Martin, et. al., on April 8, 1996.

On motion by Metcalf of Polk, the House concurred in the Senate amendment H-5821, as amended.

Metcalf of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2369)

The ayes were, 96:

Arnold
 Blodgett

Baker
 Boddicker

Bell
 Boggess

Bernau
 Bradley

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brammer	Myers	Salton	Veenstra
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Rule 76 invoked: Veenstra of Sioux invoked House Rule 76, conflict of interest, and refrained from voting.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2369** be immediately messaged to the Senate.

MOTIONS TO RECONSIDER WITHDRAWN

Schrader of Marion and Vande Hoef of Osceola, asked and received unanimous consent to withdraw their motions to reconsider, filed from the floor, to House File 560, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates, which passed the House and was placed on its last reading.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 560** be immediately messaged to the Senate.

The House stood at ease at 9:40 p.m., until the fall of the gavel.

The House resumed session at 10:21 p.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 400, a bill for an act relating to the joint purchasing of equipment by political subdivisions of the state.

Also: That the Senate has on May 1, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2481, a bill for an act relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty.

Also: That the Senate has on May 1, 1996, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2256, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty.

Also: That the Senate has on May 1, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2265, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Drake of Pottawattamie called up for consideration **House File 2481**, a bill for an act relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-6089:

H-6089

- 1 Amend House File 2481, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 28, by inserting after the figure
- 4 "15.329." the following: "However, in no event shall
- 5 the minimum number of jobs created be less than
- 6 fifteen or the minimum capital investment be less than
- 7 three million dollars per application under the
- 8 program. The department shall develop an appropriate
- 9 formula of minimum jobs created and capital investment
- 10 required per program application which can be
- 11 authorized under the waiver."
- 12 2. Page 4, by striking lines 4 through 35 and
- 13 inserting the following:

14 "The department shall not grant a waiver under this
15 section after June 30, 1998."

The motion prevailed and the House concurred in the Senate amendment H-6089.

Drake of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2481)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurlley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brammer	Greiner	Myers	Salton
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2481** be immediately messaged to the Senate.

The House stood at ease at 11:06 p.m., until the fall of the gavel.

The House resumed session at 11:31 p.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 560, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates.

Also: That the Senate has on May 1, 1996, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2369, a bill for an act relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting.

Also: That the Senate has on May 1, 1996, adopted the conference committee report and passed Senate File 2449, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions.

Also: That the Senate has on May 1, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2449)

Halvorson of Clayton called up for consideration the report of the conference committee on Senate File 2449 and moved the adoption of

the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2449

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2449, a bill for An Act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5736.
2. That the House recedes from its amendment, S-5574.
3. That Senate File 2449, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

INDEXATION

Section 1. Section 422.4, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. "Annual inflation factor" means an index, expressed as a percentage, determined by the department by October 15 of the calendar year preceding the calendar year for which the factor is determined, which reflects the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual inflation factor, the department shall use the annual percent change, but not less than zero percent, in the ~~implicit price deflator for the gross national product~~ gross domestic product price deflator computed for the second quarter of the calendar year by the bureau of economic analysis of the United States department of commerce and shall add ~~one-half~~ all of that percent change to one hundred percent. The annual inflation factor and the cumulative inflation factor shall each be expressed as a percentage rounded to the nearest one-tenth of one percent. The annual inflation factor shall not be less than one hundred percent.

Sec. 2. Section 422.4, subsection 1, paragraph d, Code 1995, is amended by striking the paragraph.

Sec. 3. Section 422.4, subsection 2, paragraph a, Code 1995, is amended to read as follows:

a. "Annual standard deduction factor" means an index, expressed as a percentage, determined by the department by October 15 of the calendar year preceding the calendar year for which the factor is determined, which reflects the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual standard deduction factor, the department shall use the annual percent change, but not less than zero percent, in the ~~implicit price deflator for the gross national product~~ gross domestic product price deflator computed for the second quarter of the calendar year by the bureau of economic analysis of the United States department of commerce and shall add ~~one-half~~ all of that percent change to one hundred percent. The annual standard deduction factor and the cumulative standard deduction factor shall each be expressed as a percentage rounded to the nearest one-tenth of one percent. The annual standard deduction factor shall not be less than one hundred percent.

Sec. 4. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to the computation of the annual inflation factor and annual standard deduction factor for calendar years beginning on or after January 1, 1996. The department of revenue and finance shall adjust the annual inflation factor and annual standard deduction factor previously computed for the 1996 calendar year to reflect the change made in the computation of those factors in this Act.

DIVISION II

SCHOOL PROPERTY TAX

Sec. 5. Section 257.1, subsection 2, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

For the budget year commencing July 1, ~~1991~~ 1996, and for each succeeding budget year the regular program foundation base per pupil is ~~eighty-three~~ eighty-seven and five-tenths percent of the regular program state cost per pupil, except that the regular program foundation base per pupil for the portion of weighted enrollment that is additional enrollment because of special education is seventy-nine percent of the regular program state cost per pupil. For the budget year commencing July 1, 1991, and for each succeeding budget year the special education support services foundation base is seventy-nine percent of the special education support services state cost per pupil. The combined foundation base is the sum of the regular program foundation base and the special education support services foundation base.

Sec. 6. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to the computation of school foundation aid payable during school budget years beginning on or after July 1, 1996.

DIVISION III

HOMESTEAD, MILITARY, AND ELDERLY OR DISABLED

TAX CREDIT AND REIMBURSEMENT CLAIMS

Sec. 7. Section 8.59, Code 1995, is amended to read as follows:

8.59 APPROPRIATIONS FREEZE.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, "applicable sections" means the following sections: 53.50, 229.35, 230.8, 230.11, 405A.8, 411.20, ~~425.1, 425.39, 426A.1,~~ 663.44, and 822.5.

Sec. 8. Section 425.1, subsection 1, Code 1995, is amended to read as follows:

1. A homestead credit fund is created. There is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the homestead credit fund, ~~an amount sufficient~~ the sum of one hundred fourteen million four hundred thousand dollars to implement this chapter.

The director of revenue and finance shall issue warrants on the homestead credit fund payable to the county treasurers of the several counties of the state under this chapter.

Sec. 9. Section 425.39, Code 1995, is amended to read as follows:

1. The extraordinary property tax credit and reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the extraordinary property tax credit and reimbursement fund, from funds not otherwise appropriated, ~~an amount sufficient~~ the sum of twelve million five hundred thousand dollars to implement this division.

2. If the amount appropriated under subsection 1, ~~as limited by section 8.59,~~ plus any supplemental appropriation made for purposes of this section for a fiscal year is insufficient to pay all claims in full, the director shall pay, in full, all claims to be paid during the fiscal year for reimbursement of rent constituting property taxes paid or if moneys are insufficient to pay all such claims on a pro rata basis. If the amount of claims for credit for property taxes due to be paid during the fiscal year exceed the amount remaining after payment to renters, the director of revenue and finance shall prorate the payments to the counties for the property tax credit. In order for the director to carry out the requirements of this subsection, notwithstanding any provision to the contrary in this division, claims for reimbursement for rent constituting property taxes paid filed before May 1 of the fiscal year shall be eligible to be paid in full during the fiscal year and those claims filed on or after May 1 of the fiscal year shall be eligible to be paid during the following fiscal year and the director is not required to make payments to counties for the property tax credit before June 15 of the fiscal year.

Sec. 10. Section 426A.1, Code 1995, is amended to read as follows:

426A.1 APPROPRIATION.

There is appropriated from the general fund of the state ~~the amounts necessary~~ sum of two million eight hundred thousand dollars to fund the credits provided under this chapter.

Sec. 11. It is the intent of the general assembly to provide property tax relief to the citizens of Iowa by fully funding the homestead credit, the elderly and disabled credit, and military tax exemption. The general assembly directs local

officials to join the general assembly in providing property tax relief to the fullest extent possible by reducing property tax levies in proportion to increased reimbursement from the state. However, the general assembly recognizes that the most efficient method of achieving property tax relief is through a locally determined strategy based upon the fiscal needs of the local government. This section applies to the 1996-1997 fiscal year only.

Sec. 12. This division of this Act takes effect July 1, 1996, and applies to homestead, military service, and elderly or disabled tax credit and rent reimbursement claims payable in fiscal years beginning on or after July 1, 1996.

DIVISION IV

SUBCHAPTER S CORPORATIONS

Sec. 13. Section 422.4, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 17A. The term "value-added corporation" means a corporation that purchases, receives, or holds personal property of any description and which adds to its value by a process of manufacturing, construction, processing, or combining of different materials, and shall specifically include the economic activity identified in divisions C and D of the standard industrial classification codes appearing in 13 C.F.R. ch. 1(1-1-94 edition), with a view to selling the finished product for gain or profit. A corporation engaged in more than one business activity is a value-added corporation if more than fifty percent of its gross receipts, figured on a three-year annual average, or such shorter period as the corporation shall have been in existence, are from the processes previously identified.

Sec. 14. Section 422.5, subsection 1, paragraph j, Code 1995, is amended to read as follows:

j. (1) The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the nonresident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "a", is the numerator and the nonresident's total net income computed under section 422.7 is the denominator. This provision also applies to individuals who are residents of Iowa for less than the entire tax year.

(2) The tax imposed upon the taxable income of a resident shareholder in a value-added corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state may be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the resident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "b", is the numerator and the resident's total net income computed under section 422.7 is the denominator. This paragraph also applies to individuals who are residents of Iowa for less than the entire tax year.

(a) In order for a resident shareholder in a value-added corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, to claim the benefits of apportionment of income of the value-added corporation, the taxpayer must completely fill out the return, determine the taxpayer's income tax liability without the

benefit of apportionment of the value-added corporation's income, and pay the amount of tax owed. The taxpayer shall recompute the taxpayer's income tax liability, by applying the provisions of this subparagraph on a special return. This special return shall be filed under rules of the director and constitutes a claim for refund of the difference between the amount of tax the taxpayer paid as determined without the provisions of this subparagraph and the amount of tax determined with the provisions of this subparagraph.

(b) This subparagraph shall not affect the amount of the taxpayer's checkoff to the Iowa election campaign fund under section 56.18, the checkoff for the fish and game fund in section 107.16, the credits from tax provided in sections 422.10, 422.11A, and 422.12 and the allocation of these credits between spouses if the taxpayers filed separate returns or separately on combined returns.

(c) For any tax year, the aggregate amount of refund claims that shall be paid pursuant to this subparagraph shall not exceed five million dollars. If, for a tax year, the aggregate amount of refund claims filed pursuant to this subparagraph exceeds five million dollars, each claim for refund shall be paid on a pro rata basis so that the aggregate amount of refund claims does not exceed five million dollars. In the case where refund claims are not paid in full, the amount of the refund to which the taxpayer is entitled under this subparagraph is the pro rata amount that was paid and the taxpayer is not entitled to a refund of the unpaid portion and is not entitled to carry that amount forward or backward to another tax year. Taxpayers shall not use refunds as estimated payments for the succeeding tax year. Taxpayers whose tax years begin on January 1 must file their refund claims by October 31 of the calendar year following the end of their tax year to be eligible for refunds. Taxpayers whose tax years begin on a date other than January 1 must file their refund claims by the end of the tenth month following the end of their tax years to be eligible. The department shall determine on February 1 of the second succeeding calendar year if the total amount of claims for refund exceeds five million dollars for the tax year. Notwithstanding any other provision, interest shall not be due on any refund claims that are paid by the last day of February of the second succeeding calendar year. If the claim is not payable on February 1 of the second succeeding calendar year, because the taxpayer is a fiscal year filer, then the amount of the claim allowed shall be in the same ratio as the refund claims available on February 1 of the second succeeding calendar year. These claims shall be funded by moneys appropriated for payment of individual income tax refunds.

Sec. 15. Section 422.5, subsection 1, paragraph k, unnumbered paragraph 4, Code 1995, is amended to read as follows:

In the case of a resident, including a resident estate or trust, the state's apportioned share of the state alternative minimum tax is one hundred percent of the state alternative minimum tax computed in this subsection. In the case of a resident or part year resident shareholder in a value-added corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, a nonresident, including a nonresident estate or trust, or an individual, estate, or trust that is domiciled in the state for less than the entire tax year, the state's apportioned share of the state alternative minimum tax is the amount of tax computed under this subsection, reduced by the applicable credits in sections 422.10 through 422.12 and this result multiplied by a fraction with a numerator of the sum of state net income allocated to Iowa as determined in section 422.8, subsection 2, paragraph "a" or "b" as applicable, plus tax preference items, adjustments, and losses under subparagraph (1) attributable to Iowa and with a denominator of the sum of total net income

computed under section 422.7 plus all tax preference items, adjustments, and losses under subparagraph (1). In computing this fraction, those items excludable under subparagraph (1) shall not be used in computing the tax preference items. Married taxpayers electing to file separate returns or separately on a combined return must allocate the minimum tax computed in this subsection in the proportion that each spouse's respective preference items, adjustments, and losses under subparagraph (1) bear to the combined preference items, adjustments, and losses under subparagraph (1) of both spouses.

Sec. 16. Section 422.8, subsection 2, Code 1995, is amended to read as follows:

2. a. Nonresident's net income allocated to Iowa is the net income, or portion thereof of net income, which is derived from a business, trade, profession, or occupation carried on within this state or income from any property, trust, estate, or other source within Iowa. However, income derived from a business, trade, profession, or occupation carried on within this state and income from any property, trust, estate, or other source within Iowa shall not include distributions from pensions, including defined benefit or defined contribution plans, annuities, individual retirement accounts, and deferred compensation plans or any earnings attributable thereto so long as the distribution is directly related to an individual's documented retirement and received while the individual is a nonresident of this state. If a business, trade, profession, or occupation is carried on partly within and partly without the state, only the portion of the net income which is fairly and equitably attributable to that part of the business, trade, profession, or occupation carried on within the state is allocated to Iowa for purposes of section 422.5, subsection 1, paragraph "j", and section 422.13 and income from any property, trust, estate, or other source partly within and partly without the state is allocated to Iowa in the same manner, except that annuities, interest on bank deposits and interest-bearing obligations, and dividends are allocated to Iowa only to the extent to which they are derived from a business, trade, profession, or occupation carried on within the state.

b. A resident's income allocable to Iowa is the income determined under section 422.7 reduced by items of income and expenses from a subchapter S corporation which is a value-added corporation that carries on business within and without the state when those items of income and expenses pass directly to the shareholders under provisions of the Internal Revenue Code. These items of income and expenses are increased by the greater of the following:

(1) The net income or loss of the corporation which is fairly and equitably attributable to this state under section 422.33, subsections 2 and 3.

(2) Any cash or the value of property distributions which are made only to the extent that they are paid from income upon which Iowa income tax has not been paid, as determined under rules of the director, reduced by fifty percent of the amount of any of these distributions that are made to enable the shareholder to pay federal income tax on items of income, loss, and expenses from the corporation.

Sec. 17. Section 422.8, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the resident or part-year resident is a shareholder of a value-added corporation which has in effect an election under subchapter S of the Internal Revenue Code, subsections 1 and 3 do not apply to any income taxes paid to another state or foreign country on the income from the value-added corporation which has in effect an election under subchapter S of the Internal Revenue Code.

Sec. 18. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 1996, for tax years beginning on or after that date.

DIVISION V

LIVESTOCK PRODUCTION TAX CREDIT

Sec. 19. NEW SECTION. 422.120 LIVESTOCK PRODUCTION TAX CREDIT ALLOWED.

1. a. There is allowed a state tax credit for livestock production operations located in the state. The amount of the credit equals ten cents for each corn equivalent consumed by the livestock in the production operation as specified under this section. The credit shall be refunded as provided in section 422.121.

b. The credit shall be available to an individual or corporate taxpayer who owns livestock, if all of the following apply:

(1) The total net worth of the taxpayer during the taxpayer's tax year is less than one million dollars.

(2) The taxpayer receives, or accrues in the case of an accrual-basis taxpayer, more than one-half of the taxpayer's gross income from farming or ranching operations during the tax year. Gross income from farming or ranching is the amount reported as gross income on schedule F, or the equivalent schedule, of the taxpayer's income tax return, the total gains from sales of breeding livestock, and, if applicable, the taxpayer's distributive share of income from farming or ranching from a partnership, limited liability company, subchapter S corporation, or an estate or trust. To determine whether a taxpayer receives more than one-half of gross income from farming or ranching, the taxpayer's amount of gross income from farming or ranching shall be divided by the taxpayer's total gross income as defined in section 61 of the federal Internal Revenue Code.

2. The amount of the credit per operation is determined by adding together for each head of livestock in the operation the product of ten cents times the number of corn equivalents consumed by that head of livestock. The amount of livestock production credit per operation per tax year shall not exceed three thousand dollars and the amount of livestock production credit per taxpayer per tax year shall not exceed three thousand dollars.

The maximum amount of corn equivalents for a head of livestock in a production operation is the following:

a. Hog operations:	Corn equivalents:
(1) Farrow to finish	13.0
(2) Farrow to feeder pig	2.6
(3) Finishing feeder pigs	10.4
b. Poultry operations:	
(1) Layers	0.88
(2) Turkeys	1.5
(3) Broilers	0.15

c. Beef operations:

(1) Cow-calf	111.5
(2) Stocker	41.5
(3) Feedlot	75.0
(4) Dairy	350.0

d. Sheep operations:

(1) Ewe flock	20.5
(2) Feedlot	4.1

3. If the livestock operation is carried on partly within and partly without the state, the portion of the operation attributable to this state shall be determined pursuant to rules adopted by the department. The department may adjust the allocation upon request of the taxpayer in order to reflect the actual livestock operation carried on within this state.

4. An individual may claim the livestock production tax credit allowed a partnership, limited liability company, subchapter S corporation, or estate or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earning of the partnership, limited liability company, subchapter S corporation, or estate or trust.

5. A fraudulent claim for a credit refund under this division shall cause the forfeiture of any right or interest to a tax credit refund in subsequent tax years under this division.

Sec. 20. NEW SECTION. 422.121 APPROPRIATION.

Beginning with the fiscal year beginning July 1, 1997, there is appropriated annually from the general fund of the state two million dollars to refund the credits allowed under this division.

Sec. 21. NEW SECTION. 422.122 REFUND OF LIVESTOCK PRODUCTION CREDIT CLAIMS.

1. Each tax year the total amount of livestock production credit refund claims that shall be paid pursuant to section 422.120 shall not exceed the amount appropriated by the general assembly for that purpose. If the total dollar amount of the refund claims exceeds that amount, each claim shall be paid an amount equal to that amount divided by the total number of claims, not to exceed the amount of the taxpayer's claim. Remaining funds shall be prorated among those claims not paid in full in the proportion that each such claim bears to the total amount of such claims not paid in full.

2. In the case where refund claims are not paid in full, the amount of the refund to which the taxpayer is entitled is the amount computed in subsection 1, and paid to the taxpayer, and the taxpayer is not entitled to any unpaid portion of a claim and is not entitled to carry forward or backward to another tax year any unpaid portion of a claim. A taxpayer shall not use a refund as an estimated payment for the succeeding tax year.

3. A taxpayer must file a claim for refund within ten months from the last day of the taxpayer's tax year. An extension for filing shall not be allowed. The department

shall determine by February 28 of the calendar year following the calendar year in which the claims were filed if the total amount of claims for refund exceeds the amount appropriated for that purpose by the general assembly for the tax year. If the claim is not payable on February 28 because the taxpayer is a fiscal year filer, the claim shall be considered as a claim filed for the following tax year.

4. A claim for refund shall be made on claim forms to be made available by the department. In order for a taxpayer to have a valid refund claim, the taxpayer must supply legible copies of documents the director deems necessary to verify the amount of the refund.

Sec. 22. FISCAL YEAR 1997-1998 APPROPRIATION. Notwithstanding the livestock production operations described in section 422.120, for the tax year beginning on or after January 1, 1996, the appropriation in section 422.121 shall only be used to satisfy claims for cow-calf production.

Sec. 23. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 1996.

DIVISION VI

SCHOOL STUDY GOALS

Sec. 24. It is the intent of the general assembly to support the study of the department of education required in 1996 Iowa Acts, House File 2477, if enacted, with the specified goals of increasing the capacity of the whole school to meet the needs of all children; increasing support available to atrisk students; and ensuring predictable and equitable special education funding at both the state and local levels; and with the additional goal of achieving parity between the percentage of regular program state cost per pupil and the percentage for that portion of weighted enrollment that is additional enrollment because of special education which constitute the regular program foundation base and the percentage of special education support services state cost per pupil which constitutes the special education support services foundation base.

DIVISION VII

FUNDING CREDITS AND EXEMPTIONS

Sec. 25. NEW SECTION. 25B.7 FUNDING PROPERTY TAX CREDITS AND EXEMPTIONS.

1. Beginning with property taxes due and payable in the fiscal year beginning July 1, 1997, the cost of providing a property tax credit or property tax exemption which is enacted by the general assembly on or after January 1, 1997, shall be fully funded by the state. If a state appropriation made to fund a credit or exemption which is enacted on or after January 1, 1997, is not sufficient to fully fund the credit or exemption, the political subdivision shall be required to extend to the taxpayer only that portion of the credit or exemption funded by the state appropriation. The department of revenue and finance shall determine the portion of the credit or exemption which will be funded by the state appropriation.

2. The requirement for fully funding and the consequences of not fully funding credits and exemptions under subsection 1 also apply to all of the following:

a. Homestead tax credit pursuant to sections 425.1 through 425.15.

b. Elderly, low-income, and disabled property tax credits pursuant to sections 425.16 through 425.40.

c. Military service property tax credits and exemptions pursuant to chapter 426A and sections 427.3 through 427.7.

Sec. 26. This division of this Act takes effect July 1, 1996."

2. Title page, by striking lines 1 through 17 and inserting the following: "An Act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of shareholders of certain subchapter S corporations; increasing the amount of the appropriations for homestead credit, military service credit, and low-income elderly and disabled credit and reimbursement claims; providing tax credits for livestock production; increasing the regular program foundation base level under the school aid program; requiring full funding for certain property tax credits; and providing effective and applicability date provisions."

ON THE PART OF THE HOUSE

ROGER HALVORSON, Chair
BILL BERNAU
JOHN GREIG
CHUCK LARSON
RICHARD MYERS

ON THE PART OF THE SENATE

WILLIAM D. PALMER, Chair
WAYNE BENNETT
MARY LOU FREEMAN
EMIL J. HUSAK
TOM VILSACK

The motion prevailed and the report was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2449)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants

Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Brammer	Myers	Salton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2449** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER SCHRADER

Schrader of Marion offered the following remarks:

Ladies and Gentleman of the House I understand it is the intent of the majority party to attempt to close the session down by midnight, so it looks like we have less than five minutes each. I'll do my share, Mr. Corbett.

I would like to begin by saying thank you to friends here in the chamber, and to you, Mr. Speaker, for the leadership you provided. You've done a fine job and I am pleased to have served with you. You deserve the thanks of all of the chamber.

Representative Siegrist, the same can be said for you – you have served this body well. You have been willing to share and you were upfront with the minority caucus and with your members as well. I appreciate your hard work and I believe that many others in this state appreciate it also.

I am not going to say an individual thank you to the staffers that work for Ron and Brent, but I always felt the sign of a good leader was the people they chose to have around them; the people that you have chosen are a testament to your leadership. They are excellent people and you made wise decisions when you chose them. The people in the well and the people in your offices are to be complimented.

I want to thank my staff – Mark Bransgard and Caroline Gaukel. Occasionally when I revert to the service station or body shop operator, they get me back on the straight and narrow and remind me of where I am. The people on our caucus staff: Paulee Lipsman, I have never seen anyone that worked harder and was more dedicated; Tom Patterson, Ed Conlow, Mary Brown, Joe Romano, Jennifer Parsons, Jim Addy, and Ingrid Johnson. They have all done a fine job for our caucus, and we appreciate them.

I want to thank my assistant leaders, Dick Myers, who is absent from the chamber, Mike Moreland, Pam Jochum, and John Connors. It has been a team effort and I would choose these people if I were choosing up sides again. They are great leaders.

I especially want to thank the members of my caucus. Mr. Speaker, you and I know both sides of the coin in this place. Once I sat where Representative Weigel sits. I believe you were in Mr. Hurley's seat, and Representative Halvorson, you are sitting where you were then. We were in different roles then, it is a tough job being in the minority party. You work hard on a lot of issues that you care deeply about and you seldom prevail. These thirty-seven democrats that I have had the opportunity and the honor to lead, are people that I will never forget, because they are not quitters, they are not people who came to this chamber on a lark — they came here on a mission, they came here with an agenda and they did not quit, even when it was tough going. We feel good about this session — we feel great about this session.

The property tax bill that passed has Democrat fingerprints all over it. We worked hard to bring that issue to the General Assembly and we feel great about its passage. The maternity stay bill: the Senate passed it unanimously. That is going to make a difference for Iowa families and we are very proud of that bill. We think we all did work that will make the streets safer for Iowans this year. We have disappointments — we would have liked to have addressed the problem of hog lots in rural Iowa. This will come back next year.

I guess I would close again by thanking not only those members of the Democrat Caucus, but all of you I see here, whom I call friends. Once in awhile we strain those friendships, and I have been part of that from time to time, because we feel differently. We feel strongly about things, but we all care about the same things. I believe that every one of you holds as deep a commitment about this state as the person next to you. And I thank you all for the work that you do here.

For Horace and Art, I expect that you are going to relax a little bit. For the rest of us it's fairs, fundraisers, parades, door knocking. And for me, it will be a few nights at the track. So if you have a chance come on out.

REMARKS BY MAJORITY LEADER SIEGRIST

Siegrist of Pottawattamie offered the following remarks:

Ladies and Gentlemen of the House:

This is the point of every legislative session that I enjoy the most. It's the time where we get to catch our collective breath, reflect a little bit on the session, and say goodbye.

However, I have to admit that I wasn't sure if we would ever get to this point. For the last several weeks, I have felt like I was caught inside the song by the Eagles, "Hotel California" you can check in any time you want, but you can never leave.

Finally, we are at the end. How'd we do? I think very well. We once again balanced the budget. We have a cash reserve of over \$400 million dollars, and a growing economy.

When I stood before you on the first day of session, I outlined five goals for this session. All five were geared to the future of this state. And we accomplished them all. Working together, we cut taxes in a major way for the second year in a row. The second goal was school technology. \$150 million, front loaded, over the next five years, positions our schools to move into the future. Third, capping gambling and establishing a yearly source of revenue to begin to address our infrastructure is a huge accomplishment.

Public safety was addressed with the bills that established stricter penalties for meth and the limited parole bill for violent offenders. On top of that, we authorized construction of a 750-bed prison in Fort Dodge. And lastly, we began to look at quality-of-life issues by taking REAP to a \$10 million level, \$2 million for trails, and \$3 million to begin to address our deferred maintenance needs for our park system.

Five goals stated; five goals accomplished. On top of that, as you have a chance to reflect, you will remember other issues such as housing, victim's rights, and the workforce development overhaul.

All in all, a very productive year for the citizens of Iowa.

Let me thank everyone who has made this session a success. We can never say enough thanks for the people who help us get through each year. From the doormen, to the phone operators, all of the pages – everyone deserves our thanks. They make our time here easier.

Special thanks go to our caucus staffs. You put up with us even when we are being thick-headed beyond comprehension. We never say thank you enough. You do a superb job. To everyone in the well – thanks. You keep me on the right track.

To the members of the lobby – you have done it once again. You have handled your job with the utmost competence and integrity. You have earned the respect of the members of this body. The people who lambaste lobbyists and their influence haven't met the people who work the rotunda here.

For the members of the press, I have very much appreciated your even-handed reporting of the activities of this body. I have nothing but respect for the job that you do. However, I won't miss the daily quiz: "Siegrist, what's the road map for today?"

A special thanks to all of our retirees. You will be missed. Your energy and institutional knowledge will be sorely missed. I still remember my first two years in this body when I sat between two of this year's retirees as an innocent freshman. I sat where Representative Disney sits now between Representative Ollie and Representative Brammer. I still haven't recovered.

Representative Schrader – thank you. David, you have been a pleasure to work with. As I observed you doing your job, I admired your skills in running your caucus. To my friends in the minority, congratulations on a job well done. You held our feet to the fire, offered, for the most part, constructive alternatives, and held the majority party accountable.

To the House Republican Leadership – thank you, thank you, thank you. Harold, Chuck, Bob, Dick, Gary and Christopher – your input and counsel made my job much easier.

Of course, I couldn't function without my Page, Amanda; and Becky and Susan. I wouldn't have a clue as to where I'm going or who I'm supposed to see without Becky's help. She brings a little order to my life and my desk.

Susan, what can I say? Everyone in here knows that when I look good it's because of you. And when I screw up, it's because of me. At the rate you are doing more of my job, you'll probably start garnishing my wages.

Jeff and J.D. in Ron's office – thanks for your viewpoints. They are always helpful.

Mr. Speaker, some people seem to have a silly idea that you and I are interested in the same job a couple of years down the road, and that we won't get along. Nothing could be further from the truth. We have stood side by side, with my belly obstructing the side view and your excessive forehead blinding the front view, and we have worked to make this chamber move forward and make Iowa a better place. It is an honor to consider you my colleague and, more importantly, my friend.

Ladies and Gentlemen, we have much to be proud of. Working together, we have made a difference. It hasn't always been easy, but we got it done. As that famous Calypso poet, Jimmy Buffett, writes in one of his songs:

"For we have plowed the seas, and smoothed the troubled waters. Come along let's have some fun, seems our work is done."

Thank you and have a great interim.

REMARKS BY SPEAKER CORBETT

Speaker Corbett offered the following remarks:

Later this summer the Olympics will be held in Atlanta. One of the track and field events in which America expects to do well is the high jump. As you know, athletes have to leap over a bar. The better the athletes do, the higher the bar is raised. I think that is what the House of Representatives has done. Every year we have raised the bar, raised the level of expectations and raised the level of accomplishments.

In 1993, we gave Iowa its first balanced budget in ten years.

In 1994, we eliminated Iowa's \$408 million deficit.

In 1995 and 1996, we reduced the tax burden on the people of Iowa. And for the first time in our history, the Legislature cut taxes two consecutive years.

The energy and leadership in the Legislature comes from this chamber whether Republican or Democrat. The ideas and optimism in the Legislature come from this chamber. The House has set the agenda, driven the agenda and accomplished its agenda. We have reason to be proud of our accomplishments.

150 years ago, Iowa's first leaders fought for statehood. They were opposed by pessimists who were afraid of the future. They issued dire warnings of doom gloom. They screamed the sky would fall if Iowa became a state and gave up its status and privileges as a territory. Well they were wrong, the sky did not fall.

In January, I stood here and said Iowa had a unique opportunity to move forward in 1996. We had a substantial budget surplus, low unemployment, record prices for a bushel of corn and an increasing population. Iowans should be optimistic about the future. But the pessimists, with their foolish fear of moving forward,

issued dire warnings that the sky would fall because of federal budget cuts. Well they were wrong, the sky did not fall.

We reduced taxes across the board, we balanced the budget for the fourth year in a row, we kept sacred our \$400 million cash reserves and we will end this year with about \$130 million in an ending balance. Our budget is sound, we are spending \$1 million less the Governor recommended in January. We are in excellent fiscal shape. Iowans have reason to be optimistic about the future: We live in the most livable state in the country, we are the sixth best managed state in the country and that will get better because of what we have done this year.

Teddy Roosevelt once said, "It is through labor and painful effort, by grim energy and resolute courage, that we move into better things." Today is the one hundred fifteenth day of a one hundred day session. It has taken labor and painful effort, grim energy and resolute courage for this House to bring spending down to an acceptable level.

It has been a successful two years. I feel honored to have been Speaker for those two years. To every member of this body, I would like to say, "Thank you for a job well done." You have cleared a very high bar and deserve a gold medal; and for that you all deserve a hand.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 126, a Senate concurrent resolution to provide for adjournment sine die.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 126

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 126, as follows and moved its adoption:

- 1 SENATE CONCURRENT RESOLUTION 126
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved By The Senate, The House Concurring,*
- 6 That when adjournment is had on Wednesday, May 1,
- 7 1996, it be the final adjournment of the 1996 Regular
- 8 Session of the Seventy-sixth General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 126** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on May 1, 1996. Had I been present, I would have voted "aye" on Senate File 2464.

ARNOLD of Lucas

I was necessarily absent from the House chamber on April 30, 1996. Had I been present, I would have voted "aye" on House Files 2421, 2477, 2486 and Conference Committee Report on 2486, and Senate Files 2140 and 2442.

EDDIE of Buena Vista

I was temporarily absent from the House chamber on May 1, 1996. Had I been present, I would have voted "aye" on Senate File 2464.

TEIG of Hamilton

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this first day of May, 1996: House File 2427.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

The Progress Report on the Intermodal Study, pursuant to Chapter 220.3, 1995 Acts of the Seventy-sixth General Assembly.

RACING AND GAMING COMMISSION

The 1995 Annual Report, pursuant to Chapters 99D and 99F, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1996\570 Ben Eastman, Cedar Falls – For celebrating his Eightieth birthday with thanks for his many good works on behalf of his church and community.
- 1996\571 Anthony Fischer, St. Albert High School, Council Bluffs – For being selected a Southwest Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\572 Mark Fienhold, Thomas Jefferson High School, Council Bluffs – For being selected a Southwest Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\573 Leah Elbert, Regina High School, Iowa City – For achieving the "Best of Class."
- 1996\574 Anna Nelson, Iowa City West High School, Iowa City – For achieving the "Best of Class."
- 1996\575 Nathan Willard, City High School, Iowa City – For achieving the "Best of Class."
- 1996\576 Kelli Starcevich, PCM, Monroe – For receiving a 1 rating in the Prose Division of the 1996 All-State Speech Festival.
- 1996\577 Heather Schrader, PCM, Monroe – For receiving a 1 rating in the Literary Program Division of the 1996 All-State Speech Festival.
- 1996\578 Katja Niemi, PCM, Monroe – For receiving a 1 rating in the After Dinner Speaking Division of the 1996 All-state Speech Festival.
- 1996\579 Kevin Hosbond, PCM, Monroe – For receiving a 1 rating in the Literary Program and Prose Divisions of the 1996 All-State Speech Festival.
- 1996\580 Pete Moyers, Iowa City – For being selected a Southeast Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\581 Joel Papak, Iowa City – For being selected a Southeast Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\582 Nathan Eric Lueck, Cedar Rapids – For being selected a Northeast Regional Winner for the Des Moines Register's 1996 Academic All State Team.
- 1996\583 James V. Smith, Cedar Rapids – For his retirement after Thirty-seven years of service as Chief Warrant Officer of the Iowa National Guard.

- 1996\584 Iowa City High School Boys Track Team, Iowa City – For winning 1st place in the 4 by 400-meter relay at the 1996 Drake Relays.
- 1996\585 Iowa City High School Boys Track Team, Iowa City – For winning 1st place in the 4 by 100-meter relay at the 1996 Drake Relays.
- 1996\586 Merrill Coleman, Iowa City High – For being named Outstanding Performer in the Boys' Division of the 1996 Drake Relays.
- 1996\587 Florence Frisbie, Cherokee – For celebrating her One hundred-third birthday.
- 1996\588 Steve Kellar and the Albia High School Band Department of Albia – For their superior performance and exemplary conduct at the 1996 Orlando Festival of Music on April 27, 1996, including their designation as the Grand Champion Marching Band.
- 1996\589 Jane Repp, Newton – For being elected Woman of the Year by the Jasper Charter Chapter of American Business Women's Association.

RESOLUTION FILED

HR 115, by Welter, a resolution supporting the use of more than one crew member in freight railroad operations.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-6070	S.F.	2206	Garman of Story
H-6071	S.F.	2206	Garman of Story
H-6072	S.F.	2206	Garman of Story
H-6073	S.F.	2206	Garman of Story
H-6074	S.F.	2206	Garman of Story
H-6080	S.F.	2256	Senate Amendment
H-6081	S.F.	2206	Holveck of Polk
H-6082	S.F.	2206	Holveck of Polk
H-6083	S.F.	2206	Holveck of Polk
H-6084	S.F.	2206	Holveck of Polk
H-6085	S.F.	2206	Holveck of Polk
H-6088	S.F.	2206	Fallon of Polk
H-6090	S.F.	2206	Fallon of Polk

The House stood at ease at 12:00 midnight, until the fall of the gavel.

The House resumed session at 1:00 p.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1996, adopted the conference committee report and passed House File 2486, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on May 1, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 132, a concurrent resolution recognizing the importance of the fossil crinoid.

Also: That the Senate has on April 23, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2372, a bill for an act relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this first day of May, 1996: House Files 121, 400, 455, 560, 2331, 2369, 2416, 2421, 2458, 2472, 2477, 2481, 2486, 2497 and 2500.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 1, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2491, an act relating to the care and maintenance of pioneer cemeteries and authorizing a tax levy.

Senate File 284, an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing criminal penalties and providing civil penalties for employers hiring individuals with forged documents regarding the individuals' entry into, study, or employment in the United States.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1996\590 Corning High School 10th - 12th Grade, Corning – For winning 1st and 2nd place in the Senior Division of the Future Problem Solving State Bowl.
- 1996\591 Jennifer Johannsen, Dubuque – For receiving 3rd place in the Junior Division of the Keystone Area Education Agency History Day Contest.
- 1996\592 Herman Damnan, Clarinda – For celebrating his Ninety-seventh birthday.
- 1996\593 Violet Apple, Clarinda – For celebrating her One hundred-first birthday.
- 1996\594 Anna Dusdieker, Clear Creek-Amana – For her participation in the selection of the All State Academic Team sponsored by the Iowa Newspaper Association.
- 1996\595 Creston FFA Chapter, Creston – For receiving the 1996 Iowa FFA Supreme National Chapter Award.
- 1996\596 Jason A. Knox, Fort Dodge – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\597 Ralph and Twylia Norris, Newton – For celebrating their Fiftieth wedding anniversary.
- 1996\598 Sara Gronstal, Council Bluffs – For her work in organizing a safety fair for National Safe Kids week.
- 1996\599 Laura and Russell Peterson, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\600 Elna and John Rorabaugh, Colfax – For celebrating their Fiftieth wedding anniversary.
- 1996\601 Velta Kincaid, Chariton – For celebrating her One hundredth birthday.
- 1996\602 Mr. and Mrs. Howard Carlyle, Sewal – For celebrating their Sixtieth wedding anniversary.
- 1996\603 Mr. and Mrs. Duane Wood, Centerville – For celebrating their Fiftieth wedding anniversary.
- 1996\604 Wilda and Bill Mc Cann, Osceola – For celebrating their Fiftieth wedding anniversary.

- 1996\605 Phoebe and George Buesch, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1996\606 Daniel J. Christofer, Lansing – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\607 Philipp M. Seibert, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\608 Debarshi Das, Northern University High School – For being named the “Outstanding Science Student” by the Iowa Academy of Science and the Iowa Junior Academy of Science.
- 1996\609 Harold Duane Busby III, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\610 Jason Denning, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\611 Betty and Darrell Strong, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\612 August Rethmeier, Waterloo – For receiving a special tribute as “Volunteer of the Year” for his hard work and dedication as a volunteer for the Cedar Valley Food Bank for the past eight years.
- 1996\613 Robbie Robertson, Waterloo – For receiving a special tribute as “Volunteer of the Year” for his hard work and dedication as a volunteer for the Cedar Valley Food Bank for the past eight years.
- 1996\614 Harold Corson, Waterloo – For receiving a special tribute as a “Volunteer of the Year” for his hard work and dedication as a volunteer for the Cedar Valley Food Bank for the past five years.
- 1996\615 Ryan Grimes, Cedar Falls – For achieving Level I, 1st Place at the State of Iowa Russian Olympiada.
- 1996\616 Jason Carter, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\617 Mr. and Mrs. Guy Moon, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1996\618 Viola and Charles D. Brown, Osceola – For celebrating their Fifty-fifth wedding anniversary.
- 1996\619 Fern and Doyle Manser, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1996\620 Cleo Throckmorton, Chariton – For celebrating her One hundredth birthday.
- 1996\621 Hattie Ostergaard, The Western Home – For celebrating her One hundredth birthday.

- 1996\622 Jean and Laverne VanGorp, Reasoner – For celebrating their Fiftieth wedding anniversary.
- 1996\623 Ruth and George Rumbaugh, Baxter – For celebrating their Sixtieth wedding anniversary.
- 1996\624 Teisha Smith, New Hampton Community High School – For winning 1st Place in the Distance Medley, 2nd Place in the 4 by 200 Meter Relay, 3rd Place in the Shot Put and 5th Place in the 4 by 400 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\625 Heather Kuennen, New Hampton Community High School – For winning 1st Place in the Distance Medley, 2nd Place in the 4 by 200 Meter Relay and 5th Place in the 4 by 400 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\626 Stacey Marr, New Hampton Community High School – For winning 1st Place in the Distance Medley and 2nd Place in the 4 by 200 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\627 Gina Shannon, New Hampton Community High School – For winning 1st Place in the Distance Medley, 2nd Place in the 400 Meter Hurdles and 5th Place in the 4 by 400 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\628 New Hampton Community High School, New Hampton – For winning the 1996 2A Girls State Track Championship.
- 1996\629 Bill Boyd, New Hampton – For coaching the New Hampton high School Girls Track Team to the 1996 2A State Championship.
- 1996\630 Dain Jeppson, New Hampton – For coaching the New Hampton High School Girls Track Team to the 1996 2A State Championship.
- 1996\631 Jill Bakewell, South Winneshiek High School – For winning 1st Place in the Sprint Medley and 2nd Place in the 400 Meter Dash of the 1996 Girls Track 2A State Championship.
- 1996\632 Bree Elsbernd, South Winneshiek High School – For winning 1st Place in the Sprint Medley and 6th Place in the 200 Meter Dash of the 1996 Girls Track 2A State Championship.
- 1996\633 Nikki Buchheit, South Winneshiek High School – For winning 1st Place in the Sprint Medley of the 1996 Girls Track 2A State Championship.
- 1996\634 Lori Balik, South Winneshiek High School – For winning 1st Place in the Sprint Medley of the 1996 Girls Track 2A State Championship.
- 1996\635 Leah Dvorak, New Hampton Community High School – For winning 3rd Place in the High Jump of the 1996 Girls Track 2A State Championship.

- 1996\636 Emily O'Donohoe, New Hampton Community High School – For winning 1st Place in the 4 by 800 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\637 Cherie TerHark, New Hampton Community High School – For winning 1st Place in the 4 by 800 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\638 Jenny Kramer, New Hampton Community High School – For winning 1st Place in the 4 by 800 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\639 Angie Schwikerath, New Hampton Community High School – For winning 2nd Place in the 4 by 200 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\640 Michelle Snyder, New Hampton Community High School – For winning 1st Place in the 800 Meter Dash, 1st Place in the 4 by 800 Meter Relay and 5th Place in the 4 by 400 Meter Relay of the 1996 Girls Track 2A State Championship.
- 1996\641 Marie Johnson-Engle, Bettendorf – For celebrating her Eightieth birthday.
- 1996\642 Jazzlyn Douglas, Hudson – For winning 1st place in the Junior Group Performance of the Iowa History Week Competition.
- 1996\643 Sarah Ricks, Hudson – For winning 1st place in the Junior Group Performance of the Iowa History Week Competition.
- 1996\644 JoDee Schulz, Hudson – For winning 1st place in the Junior Group Performance of the Iowa History Week Competition.
- 1996\645 Wayne and Laurel Wagaman, Prairie City – For celebrating their Fiftieth wedding anniversary.
- 1996\646 Mr. and Mrs. William A. Smith, Colfax – For celebrating their Fiftieth wedding anniversary.
- 1996\647 Steven Murray, Central City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\648 Marge Roenfeldt, Davenport – For celebrating her Seventy-fifth birthday.
- 1996\649 Mr. and Mrs. Earl L. Wilcken, Davenport – For celebrating their Fortieth wedding anniversary.
- 1996\650 Mr. and Mrs. Harland L. Bleitz, Davenport – For celebrating their Sixtieth wedding anniversary.
- 1996\651 Mr. and Mrs. Bernard Johnson, Davenport – For celebrating their Fiftieth wedding anniversary.

- 1996\652 Mr. and Mrs. Clifford Petersen, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\653 Mr. and Mrs. Robert R. Carstens, Davenport – For celebrating their Fortieth wedding anniversary.
- 1996\654 Keith Chaston, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\655 Josh Holt, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\656 Krystal Morris, Muscatine – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1996\657 Hampton Municipal Band, Hampton – For celebrating its Seventy-fifth anniversary.
- 1996\658 Emily Buresh, Riceville – For celebrating her One hundredth birthday.
- 1996\659 Helen and Don Willis, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1996\660 Madelyn and Dale Loghry, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1996\661 Mary Jean and Jim Farver, Newton – For celebrating their Fiftieth wedding anniversary.
- 1996\662 Phyllis and Bob Beard, Mingo – For celebrating their Fiftieth wedding anniversary.
- 1996\663 Amber Schmidt, Laurens – For winning 1st Place in the 3000 meter event of the 1996 Girls Track 1A State Championship.
- 1996\664 Gerald and Alta Everman, Corydon – For celebrating their Fiftieth wedding anniversary.
- 1996\665 Phyllis and James Connell, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1996\666 Mack and Wilberta Palmer, Council Bluffs – For celebrating their Sixtieth wedding anniversary.
- 1996\667 Frank and Velma Berg, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\668 Dean and Katherine Herrick, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\669 Earl and Harriet Buskness, Council Bluffs – For celebrating their Fiftieth wedding anniversary.

- 1996\670 Megan Manfull, Washington – For receiving the 1st in the Nation in Feature Stories, presented by the National Federation of Press Women.
- 1996\671 Roy and Norma Nelson, Newton – For celebrating their Fiftieth wedding anniversary.
- 1996\672 Al and Margaret Ehl, Maquoketa – For celebrating their Fiftieth wedding anniversary.
- 1996\673 Asher and Catherine Schroder, Maquoketa – For celebrating their Fiftieth wedding anniversary.
- 1996\674 Tom E. Mitchell, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\675 Barry N. Van Duyn, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\676 Mark T. Leifker, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\677 Robert Winders, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\678 Olabelle Reed, Waterloo – For her thirty-six years of service to the Waterloo School District.
- 1996\679 Lucy Bashor, Clarinda – For celebrating her One hundredth birthday.
- 1996\680 Marion Farquhar, Clarinda – For celebrating her Ninety-ninth birthday.
- 1996\681 Mildred and Milton Robeson, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\682 Lois and Ralph Ruebling, Davenport – For celebrating their Forty-fifth wedding anniversary.
- 1996\683 Dorothy and Irving Schoenthal, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\684 Betty and Donald Seibel, Davenport – For celebrating their Fortieth wedding anniversary.
- 1996\685 Elta Stahl, Davenport – For celebrating her Eighty-fifth birthday.

COMMITTEE TO NOTIFY THE GOVERNOR

Van Maanen of Marion moved that the committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 126, duly adopted.

The motion prevailed and the Speaker appointed as such committee Gipp of Winneshiek and Murphy of Dubuque.

COMMITTEE TO NOTIFY THE SENATE

Van Maanen of Marion moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with the Senate Concurrent Resolution 126, duly adopted.

The motion prevailed and the Speaker appointed as such committee Jacobs of Polk and Nelson of Pottawattamie.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported that it had performed its duty and that the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

The Honorable Ron Corbett
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

This session of the General Assembly has produced positive, lasting changes in Iowa laws that will improve educational opportunities for our children and the safety of our citizens.

The most significant action was passage of the five-year, \$150 million School Improvement and Technology Program that will help local districts give elementary and secondary students, and their teachers, more opportunities to work with and learn from computer technology. Approval of the school aid formula for two years also provided local school officials with stable, predictable funding for the future.

This session was one of the most productive that I have seen in enacting public safety legislation. All Iowans have the right to feel safe and secure in their homes and neighborhoods and this Legislature responded to the concerns for safer streets.

We abolished parole for sexual predators and criminals who commit forcible felonies, such as first-degree robbery, second-degree murder and second-degree kidnapping. We provided Iowa employers with greater, easier access to criminal records when conducting employee background checks and parents with access to information on child care providers. And, we enacted tougher penalties for the use, sale and manufacturing of methamphetamine.

Several significant steps were taken to enhance Iowa's economic competitiveness. The Legislature approved our work force development initiatives, which will help prepare Iowa's workers for the challenges of the Twenty-first Century. By strengthening our farmers cooperative laws, we may be able to save meat processing jobs in Iowa and improve profitability for many family farmers. This, along with improvements in the New Jobs and Income Program will help create more quality jobs and greater investment in rural Iowa.

Finally, I was pleased to see the Legislature increase the school foundation level from 83 percent to 87.5 percent, thus providing \$85 million in direct property tax relief for Iowa taxpayers. This, coupled with full indexation of the income tax rates, help for some Subchapter S small businesses, and a property tax credit for family farmers with cow-calf operations provides significant tax relief to the people of Iowa.

Sincerely,
Terry E. Branstad
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 126, duly adopted, the day of May 1, 1996 having arrived, the Speaker of the House of Representatives declared the 1996 Regular Session of the Seventy-sixth General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-sixth General Assembly, 1996
Session, not otherwise printed in the House Journal:

H-5006

1 Amend Senate Joint Resolution 1, as passed by the
2 Senate, as follows:

3 1. Page 1, line 32, by striking the word "three"
4 and inserting the following: "five".

5 2. Page 2, line 1, by striking the words "three-
6 fifths" and inserting the following: "two-thirds".

7 3. Page 2, by inserting after line 4 the
8 following:

9 "Sec. ____ The following amendment to the
10 Constitution of the State of Iowa is proposed:

11 Article VII of the Constitution of the State of

12 Iowa is amended by adding the following new section:

13 REFERENDUM ON TAXES. Sec. 9. The people reserve

14 to themselves the power to affirm or reject at the
15 polls any Act or a portion of any Act of the General
16 Assembly which raises the tax rates imposed on the
17 income of individuals or sales or use tax rates.

18 A referendum to affirm or reject an Act or portion
19 of an Act which raises the tax rates imposed on the
20 income of individuals or sales or use tax rates shall
21 be held not later than ninety days after the final
22 adjournment of the session of the General Assembly
23 that passed the Act on which a referendum is required.

24 An Act or portion of an Act which raises the tax rates
25 imposed on the income of individuals or sales or use
26 tax rates shall not become effective until the
27 question is decided by the voters at the polls.

28 An Act or portion of an Act which raises the tax
29 rates imposed on the income of individuals or sales or
30 use tax rates is deemed rejected if a majority of the
31 votes cast are in favor of rejecting the Act. An Act
32 or portion of an Act rejected is repealed immediately
33 upon certification of the referendum results by the
34 Secretary of State.

35 The General Assembly may provide by law for
36 procedures to implement this section."

37 4. Page 2, line 5, by striking the word
38 "amendment" and inserting the following:
39 "amendments".

40 5. Page 2, line 6, by striking the word "is" and
41 inserting the following: "are".

42 6. Page 2, line 9, by striking the word "it" and
43 inserting the following: "the amendments".

44 7. Title page, line 1, by inserting after the
45 word "Resolution" the following: "relating to state
46 financial practices by".

- 47 8. Title page, line 1, by striking the words "an
48 amendment" and inserting the following: "amendments".
49 9. Title page, line 2, by inserting after the
50 word "reserve" the following: "and providing for the

Page 2

- 1 power of the people to affirm or reject Acts of the
2 general assembly relating to the sales or use tax or
3 individual income tax".
4 10. By renumbering as necessary.

Committee on Appropriations

H-5009

- 1 Amend House File 526 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "court." the following: "If the local victim-offender
4 reconciliation program charges a fee for participation
5 in the program, and the court finds that the defendant
6 is able to pay the fee, the court shall order the
7 defendant to pay the fee as part of the order to
8 participate in the program."

Committee on Judiciary

H-5010

- 1 Amend House Joint Resolution 2003 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "six" the following: "consecutive".
4 2. Page 1, line 15, by striking the word "an" and
5 inserting the following: "a consecutive".
6 3. Page 1, line 26, by inserting after the word
7 "three" the following: "consecutive".
8 4. Page 1, line 28, by striking the word "an" and
9 inserting the following: "a consecutive".
10 5. Page 2, line 7, by inserting after the word
11 "three" the following: "consecutive".
12 6. Page 2, line 10, by striking the word "an" and
13 inserting the following: "a consecutive".
14 7. Page 2, line 14, by striking the word "an" and
15 inserting the following: "a consecutive".
16 8. Page 2, line 27, by inserting after the word
17 "three" the following: "consecutive".
18 9. Page 2, line 28, by inserting after the word
19 "three" the following: "consecutive".
20 10. Page 2, line 30, by inserting after the word
21 "three" the following: "consecutive".
22 11. Page 2, line 33, by striking the word "an"
23 and inserting the following: "a consecutive".
24 12. Page 3, line 9, by inserting after the word

- 25 "three" the following: "consecutive".
 26 13. Page 3, line 12, by striking the word "an"
 27 and inserting the following: "a consecutive".

TYRRELL of Iowa

H-5012

- 1 Amend House File 2112 as follows:
 2 1. Page 1, line 12, by striking the words
 3 "product of eight dollars".
 4 2. Page 1, by striking lines 13 through 15.
 5 3. Page 1, line 16, by striking the word and
 6 figures "July, 1 1996." and inserting the following:
 7 "amount necessary to provide that total property taxes
 8 payable in the fiscal year beginning on July 1, 1996,
 9 shall equal the total property tax revenues that were
 10 received in the previous fiscal year."
 11 4. Page 1, line 28, by striking the words
 12 "product of eight dollars".
 13 5. Page 1, by striking lines 29 through 31.
 14 6. Page 1, line 32, by striking the word and
 15 figures "July 1, 1997." and inserting the following:
 16 "amount necessary to provide that total property taxes
 17 payable in the fiscal year beginning on July 1, 1997,
 18 shall equal the total property tax revenues that were
 19 received in the previous fiscal year."

BLODGETT of Cerro Gordo

H-5013

- 1 Amend House File 526 as follows:
 2 1. Page 1, line 3, by inserting after the figure
 3 "10." the following: "a."
 4 2. Page 1, by inserting after line 7 the
 5 following:
 6 "b. The court shall not order victim-offender
 7 reconciliation if the offense constitutes any of the
 8 following:
 9 (1) A forcible felony, as defined in section
 10 702.11.
 11 (2) A violation of section 236.8.
 12 (3) A violation of section 709.1, subsection 2, or
 13 section 709.4, 709.8, 709.12, 709.14, or 709.15.
 14 (4) A sexually violent offense, as defined in
 15 section 709C.2, and the defendant has been committed
 16 as a sexually violent predator under chapter 709C.

DODERER of Johnson

H-5015

1 Amend House Joint Resolution 2003 as follows:

2 1. Page 1, by inserting after line 31, the
3 following:

4 "_. Article III of the Constitution of the State
5 of Iowa is amended by adding the following new
6 section:

7 **LIMITATION ON GENERAL ASSEMBLY LEADERSHIP. Sec.**

8 41. A member of the General Assembly elected Speaker
9 of the House of Representatives, Speaker Pro Tempore
10 of the House of Representatives, President of the
11 Senate, President Pro Tempore of the Senate, Majority
12 Leader or Minority Leader of either house of the
13 General Assembly, Assistant Majority Leader or
14 Assistant Minority Leader of either house of the
15 General Assembly, Majority Whip or Minority Whip of
16 either house of the General Assembly, or a member of
17 the General Assembly appointed chairperson of any
18 standing legislative committee of the General Assembly
19 or chairperson of any standing legislative
20 appropriations committee of the General Assembly,
21 shall be limited to two terms of office in that
22 position."

23 2. By renumbering as necessary.

TYRRELL of Iowa
VANDE HOEF of Osceola

H-5019

1 Amend House File 2111 as follows:

2 1. By striking page 2, line 19, through page 3,
3 line 25, and inserting the following:

4 "INHERITANCE TAX CREDIT ON INCOME TAX
5 Sec. ____ NEW SECTION. 422.12A INHERITANCE TAX
6 CREDIT.

7 The taxes imposed under this division, less the
8 credits allowed under sections 422.12 and 422.12B,
9 shall be reduced by an inheritance tax credit. The
10 inheritance tax credit is equal to the amount of Iowa
11 inheritance tax paid under chapter 450 by the taxpayer
12 who is the father or mother, son or daughter,
13 including legally adopted sons and daughters or
14 biological sons and daughters, stepchild, or
15 grandchild of the decedent.

16 Any credit in excess of the tax liability for the
17 tax year may be credited to the tax liability for the
18 following ten tax years or until depleted, whichever
19 is the earlier."

20 2. Page 3, line 27, by inserting after the figure
21 "1996" the following: "for inheritance tax paid
22 during income tax years ending after that date".

23 3. Title page, line 4, by striking the words
 24 "exemptions from the state inheritance tax" and
 25 inserting the following: "income tax credit for state
 26 inheritance tax paid".

WEIGEL of Chickasaw

H-5022

1 Amend House File 526 as follows:
 2 1. Page 1, line 3, by striking the word
 3 "consents" and inserting the following: "requests".

DODERER of Johnson
 DINKLA of Guthrie

H-5024

1 Amend House File 2111 as follows:
 2 1. Page 4, by inserting after line 18 the
 3 following:
 4 "DIVISION
 5 INCOME TAX REFUNDS
 6 Sec. ____ Section 422.73, Code 1995, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 3. Notwithstanding subsection 2,
 9 a claim for credit or refund of individual income tax
 10 paid for any tax year beginning on or after January 1,
 11 1985, and before January 1, 1989, is considered timely
 12 if filed with the department on or before April 30,
 13 1997, if the taxpayer's claim is the result of the
 14 unconstitutional taxation of federal pension benefits
 15 based upon the decision in Davis v. Michigan
 16 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 17 (1989).
 18 A taxpayer entitled to a credit or refund of tax
 19 paid under this subsection shall receive an amount
 20 equal to one hundred percent of the credit or refund
 21 plus interest with interest not accruing after January
 22 12, 1994. The claim for credit or refund shall be
 23 made on the income tax return for the tax year
 24 beginning in the 1996 calendar year. If the taxpayer
 25 does not owe tax or the credit is in excess of the tax
 26 computed, the taxpayer may claim a refund of the
 27 excess or carry forward the excess credit to the
 28 following tax year. A credit carried forward shall be
 29 used or a refund of the remaining credit given for the
 30 tax year beginning in the 1997 calendar year."
 31 2. Title page, line 3, by inserting after the
 32 word "tax," the following: "extending the time for
 33 filing claims for refunds and credits for
 34 unconstitutionally levied income tax".

O'BRIEN of Boone
 MAY of Worth

H-5025

- 1 Amend House File 391 as follows:
- 2 1. Page 1, by striking line 30 and inserting the
- 3 following: "December 30, 1997."

BODDICKER of Cedar
GRUNDBERG of Polk

H-5026

- 1 Amend House File 2112 as follows:
- 2 1. By striking page 1, line 3, through page 2,
- 3 line 8, and inserting the following:
- 4 "NEW UNNUMBERED PARAGRAPH. For property taxes
- 5 payable in the fiscal year beginning July 1, 1996, the
- 6 city's tax levy rate for the general fund under this
- 7 section is authorized to exceed eight dollars and ten
- 8 cents per thousand dollars of taxable value by the
- 9 product of eight dollars and ten cents multiplied by
- 10 the sum of the inflation factor and the population
- 11 factor. This increased levy rate applies only for
- 12 property taxes payable in the fiscal year beginning
- 13 July 1, 1996.
- 14 NEW UNNUMBERED PARAGRAPH. For property taxes
- 15 payable in the fiscal year beginning July 1, 1997, the
- 16 city's tax levy rate for the general fund under this
- 17 section is authorized to exceed eight dollars and ten
- 18 cents per thousand dollars of taxable value by the
- 19 product of eight dollars and ten cents multiplied by
- 20 the sum of the inflation factor and the population
- 21 factor. This increased levy rate applies only for
- 22 property taxes payable in the fiscal year beginning
- 23 July 1, 1997.
- 24 NEW UNNUMBERED PARAGRAPH. For purposes of this
- 25 section, "inflation factor" for property taxes payable
- 26 in the fiscal year beginning July 1, 1996, means the
- 27 percent change in the price index for government
- 28 purchases, as computed pursuant to section 444.25A,
- 29 subsection 2, paragraph "e", for the fiscal year
- 30 beginning July 1, 1996. "Inflation factor" for
- 31 property taxes payable in the fiscal year beginning
- 32 July 1, 1997, means the inflation factor for the
- 33 fiscal year beginning July 1, 1996, plus the percent
- 34 change in the price index for government purchases, as
- 35 computed pursuant to section 444.25B, subsection 2,
- 36 paragraph "e", for the fiscal year beginning July 1,
- 37 1997.
- 38 NEW UNNUMBERED PARAGRAPH. For purposes of this
- 39 section, "population factor" for property taxes
- 40 payable in the fiscal year beginning July 1, 1996, or
- 41 July 1, 1997, means the percent increase, if any, in
- 42 the population as of January 1 of the calendar year in
- 43 which the fiscal year begins, as determined or

44 estimated by the United States census bureau, from the
 45 population as determined by the latest preceding
 46 certified federal census.
 47 NEW UNNUMBERED PARAGRAPH. Before a city exceeds
 48 the eight dollar and ten cent general fund levy rate
 49 under this section, the governing body shall pass a
 50 resolution authorizing the general fund levy to be in

Page 2

1 excess of the eight dollar and ten cent levy rate
 2 limit under this section."

DISNEY of Polk

H-5028

1 Amend House File 2111 as follows:
 2 1. Page 4, by striking lines 11 and 12 and
 3 inserting the following: "general assembly for
 4 property tax relief."
 5 2. Title page, line 6, by inserting before the
 6 word "tax" the following: "property".

SHOULTZ of Black Hawk

H-5029

1 Amend House File 2111 as follows:
 2 1. Page 4, by inserting before line 19 the
 3 following:
 4 "DIVISION ____
 5 CHILD CARE EXPENSES DEDUCTIBLE
 6 Sec. ____ Section 422.7, Code Supplement 1995, is
 7 amended by adding the following new subsection:
 8 NEW SUBSECTION. 35. Subtract child care costs
 9 incurred by the taxpayer to enable the taxpayer to be
 10 gainfully employed. "Child care costs" means
 11 employment related expenses as that term is used under
 12 section 21 of the Internal Revenue Code relating to
 13 expenses for household and dependent care services
 14 necessary for gainful employment.
 15 Sec. ____ This division of this Act, being deemed
 16 of immediate importance, takes effect upon enactment
 17 and applies retroactively to January 1, 1996, for tax
 18 years beginning on or after that date."
 19 2. Title page, line 3, by inserting after the
 20 word "tax," the following: "allowing an income tax
 21 deduction for child care costs,".

CATALDO of Polk

H-5031

1 Amend House File 2111 as follows:
 2 1. Page 4, by inserting after line 18 the

3 following:

4 "4. Of the funds in the tax relief account, there
5 is appropriated each fiscal year an amount sufficient
6 to fully fund the homestead credit under section
7 425.1."

WEIGEL of Chickasaw

H-5032

1 Amend House File 2111 as follows:

2 1. Page 4, by striking lines 10 and 11, and
3 inserting the following: "taxpayer relief account
4 shall be used for property tax relief by the".
5 2. Page 4, line 18, by striking the word
6 "dollars." and inserting the following: "dollars to
7 offset the cost of school property tax relief through
8 additional school funding provided in division IV of
9 this Act.

10 DIVISION IV

11 SCHOOL FUNDING

12 Sec. ____ Section 256B.9, Code 1995, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 10. For the school year
15 commencing July 1, 1996, the director of the
16 department of education shall report to the school
17 budget review committee the total statewide deficit,
18 actual or estimate for the most recent school year
19 available, in costs for providing instruction for
20 children requiring special education in the categories
21 of the weighting plan established under this section,
22 and for providing services to nonpublic school
23 students pursuant to section 256.12, subsection 2.
24 The school budget review committee shall adjust the
25 weighting plan beginning with the school year
26 beginning July 1, 1996, so as to eliminate the amount
27 of the statewide deficit as reported by the director.
28 Any adjustment to weightings made under this
29 subsection shall be in addition to any adjustments
30 made pursuant to subsection 4.

31 Sec. ____ Section 257.1, subsection 2, unnumbered
32 paragraph 2, Code Supplement 1995, is amended to read
33 as follows:

34 For the budget year commencing July 1, ~~1991~~ 1996,
35 ~~and for each succeeding budget year~~ the regular
36 program foundation base per pupil is ~~eighty-three~~
37 eighty-five percent of the regular program state cost
38 per pupil, ~~except that the regular program foundation~~
39 ~~base per pupil for the portion of weighted enrollment~~
40 ~~that is additional enrollment because of special~~
41 ~~education is seventy-nine percent of the regular~~
42 ~~program state cost per pupil.~~ For each succeeding
43 budget year, the regular program foundation base shall
44 increase one-half of one percent per year until the

45 regular program foundation base reaches ninety percent
 46 of the regular program state cost per pupil. For the
 47 budget year commencing July 1, ~~1991~~ 1996, and for each
 48 ~~succeeding budget year~~ the special education support
 49 services foundation base is ~~seventy-nine~~ eighty-five
 50 percent of the special education support services

Page 2

1 state cost per pupil. It shall increase at the same
 2 rate as the regular program foundation base. The
 3 combined foundation base is the sum of the regular
 4 program foundation base and the special education
 5 support services foundation base.

6 Sec. ____ Section 257.11, unnumbered paragraph 1,
 7 Code Supplement 1995, is amended to read as follows:

8 In order to provide additional funds for school
 9 districts which send their resident pupils to another
 10 school district or to a community college for classes,
 11 which jointly employ and share the services of
 12 teachers under section 280.15, which use the services
 13 of a teacher employed by another school district, ~~or~~
 14 which jointly employ and share the services of a
 15 school superintendent under section 280.15 or 273.7A,
 16 have established programs for returning dropouts and
 17 dropout prevention, or which have established gifted
 18 and talented children programs, a supplementary
 19 weighting plan for determining enrollment is adopted
 20 as follows:

21 Sec. ____ Section 257.11, Code Supplement 1995, is
 22 amended by adding the following new subsections:

23 **NEW SUBSECTION. 8. GIFTED AND TALENTED CHILDREN**

24 **PROGRAMS.** School districts that have established
 25 gifted and talented children programs approved
 26 pursuant to sections 257.42 through 257.49 may receive
 27 supplementary weighting for each pupil enrolled in the
 28 program equal to two-tenths. However, the total
 29 additional weighting allowed under this subsection for
 30 a budget year for a school district shall not result
 31 in additional funding in excess of the lesser of the
 32 product of one-fifth of the district cost per pupil
 33 multiplied by one-twentieth of the budget enrollment,
 34 or of the amount established by the department of
 35 management, as required in section 257.46, to be
 36 raised from supplementary weighting.

37 **NEW SUBSECTION. 9. RETURNING DROPOUTS AND DROPOUT**

38 **PREVENTION PROGRAMS.** School districts that have
 39 established returning dropouts and dropout prevention
 40 programs approved pursuant to sections 257.38 through
 41 257.41 may receive supplementary weighting for each
 42 pupil enrolled in the program equal to two-tenths.
 43 However, the total additional weighting allowed under
 44 this subsection for a budget year for a school

45 district shall not result in additional funding in
46 excess of the lesser of the product of one-fifth of
47 the district cost per pupil multiplied by one-
48 twentieth of the budget enrollment, or of the amount
49 established by the department of management, as
50 required in section 257.41, to be raised from

Page 3

1 supplementary weighting.

2 Sec. ____ Section 257.20, subsection 1, Code 1995,
3 is amended to read as follows:

4 1. In order to determine the amount of
5 instructional support state aid and the amount of
6 local funding for the instructional support program
7 for a district, the department of management shall
8 divide the total assessed valuation in the state by
9 the total budget enrollment for the budget year in the
10 state to determine a state assessed valuation per
11 pupil and shall divide the assessed valuation in each
12 district by the district's budget enrollment for the
13 budget year to determine the district assessed
14 valuation per pupil. The department of management
15 shall multiply the ratio of the state's valuation per
16 pupil to the district's valuation per pupil by twenty-
17 five hundredths and subtract that result from one to
18 determine the portion of the instructional support
19 program budget that is local funding. The remaining
20 portion of the budget shall be funded by instructional
21 support state aid. ~~However, for the budget year~~
22 ~~beginning July 1, 1992, only, the amount of state aid~~
23 ~~is three and one-quarter percent less than the amount~~
24 ~~computed under this paragraph for that budget year.~~

25 Sec. ____ Section 257.20, subsection 2, paragraphs
26 a and b, Code 1995, are amended by striking the
27 paragraphs.

28 Sec. ____ Section 257.20, subsection 3, Code 1995,
29 is amended by striking the subsection.

30 Sec. ____ Section 257.38, unnumbered paragraphs 1
31 and 2, Code 1995, are amended to read as follows:

32 Boards of school districts, individually or jointly
33 with boards of other school districts, requesting to
34 ~~use additional allowable growth~~ receive supplementary
35 weighting for programs for returning dropouts and
36 dropout prevention, shall annually submit
37 comprehensive program plans for the programs and
38 budget costs, including requests for ~~additional~~
39 ~~allowable growth~~ supplementary weighting for funding
40 the programs, to the department of education as
41 provided in this chapter. The program plans shall
42 include:

43 Program plans shall identify the parts of the plan
44 that will be implemented first upon approval of the

45 application. If a district is requesting to use
46 ~~additional allowable growth~~ receive supplementary
47 weighting to finance the program, it shall not
48 identify more than five percent of its budget
49 enrollment for the budget year as returning dropouts
50 and potential dropouts.

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1 Sec. ____ Section 257.40, Code 1995, is amended to
2 read as follows:
3 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT
4 PREVENTION.

5 The board of directors of a school district
6 requesting to ~~use additional allowable growth~~ receive
7 supplementary weighting for programs for returning
8 dropouts and dropout prevention shall submit
9 applications for approval for the programs to the
10 department not later than November 1 preceding the
11 budget year during which the program will be offered.
12 The department shall review the program plans and
13 shall prior to January 15 either grant approval for
14 the program or return the request for approval with
15 comments of the department included. An unapproved
16 request for a program may be resubmitted with
17 modifications to the department not later than
18 February 1. Not later than February 15, the
19 department shall notify the department of management
20 and the school budget review committee of the names of
21 the school districts for which programs ~~using~~
22 ~~additional allowable growth~~ receiving supplementary
23 weighting for funding have been approved and the
24 approved budget of each program listed separately for
25 each school district having an approved program.

26 Sec. ____ Section 257.41, Code 1995, is amended to
27 read as follows:

28 257.41 FUNDING FOR PROGRAMS FOR RETURNING DROPOUTS
29 AND DROPOUT PREVENTION.

30 The budget of an approved program for returning
31 dropouts and dropout prevention for a school district,
32 after subtracting funds received from other sources
33 for that purpose, shall be funded annually on a basis
34 of one-fourth or more from the district cost of the
35 school district and up to three-fourths by ~~an increase~~
36 ~~in allowable growth as defined in section 257.8~~
37 receipt of supplementary weighting as provided in
38 section 257.11, subsection 9. Annually, the
39 department of management shall establish ~~a modified~~
40 ~~allowable growth~~ the amount of additional funding
41 needed to be raised from the supplementary weighting
42 for each such district equal to the difference between
43 the approved budget for the program for returning
44 dropouts and dropout prevention for that district and

45 the sum of the amount funded from the district cost of
46 the school district plus funds received from other
47 sources.
48 Sec. ____ Section 257.42, unnumbered paragraph 1,
49 Code 1995, is amended to read as follows:
50 Boards of school districts, individually or jointly

Page 5

1 with the boards of other school districts, requesting
2 to use ~~additional allowable growth~~ receive
3 supplementary weighting for gifted and talented
4 children programs, may annually submit program plans
5 for gifted and talented children programs and budget
6 costs, including requests for ~~additional allowable~~
7 growth supplementary weighting for funding the
8 programs, to the department of education and to the
9 applicable gifted and talented children advisory
10 council, if an advisory council has been established,
11 as provided in this chapter.

12 Sec. ____ Section 257.42, unnumbered paragraphs 4
13 and 5, Code 1995, are amended to read as follows:

14 The department of education shall adopt rules under
15 chapter 17A relating to the administration of sections
16 257.42 through 257.49. The rules shall prescribe the
17 format of program plans submitted under section 257.43
18 and shall require that programs fulfill specified
19 objectives. The department shall encourage and assist
20 school districts to provide programs for gifted and
21 talented children whether or not ~~additional allowable~~
22 growth supplementary weighting is requested under this
23 chapter.

24 The department may request that the staff of the
25 auditor of state conduct an independent program audit
26 to verify that the gifted and talented children
27 programs funded by ~~additional allowable growth~~
28 supplementary weighting conform to a district's
29 program plans.

30 Sec. ____ Section 257.45, subsection 1, Code 1995,
31 is amended to read as follows:

32 1. The board of directors of a school district
33 requesting to use ~~additional allowable growth~~ receive
34 supplementary weighting for gifted and talented
35 children programs shall submit applications for
36 approval for the programs to the department not later
37 than November 1 preceding the fiscal year during which
38 the program will be offered. The board shall also
39 submit a copy of the program plans to the gifted and
40 talented children advisory council, if an advisory
41 council has been established. The department shall
42 review the program plans and shall prior to January 15
43 either grant approval for the program or return the
44 request for approval with comments of the department

45 included. Any unapproved request for a program may be
 46 resubmitted with modifications to the department not
 47 later than a date established by the department. Not
 48 later than February 15 the department shall notify the
 49 department of management and the school budget review
 50 committee of the names of the school districts for

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1 which gifted and talented children programs using
 2 ~~additional allowable growth~~ receiving supplementary
 3 weighting for funding have been approved and the
 4 approved budget of each program listed separately for
 5 each school district having an approved program.

6 Sec. ____ Section 257.46, Code 1995, is amended to
 7 read as follows:

8 257.46 FUNDING.

9 The budget of an approved gifted and talented
 10 children program for a school district, after
 11 subtracting funds received from other sources for that
 12 purpose, shall be funded annually on a basis of one-
 13 fourth or more from the district cost of the school
 14 district and up to three-fourths by ~~an increase in~~
 15 ~~allowable growth as defined in section 257.8~~ receipt
 16 of supplementary weighting as provided in section
 17 257.11, subsection 8. The approved budget for a
 18 gifted and talented children program shall not exceed
 19 an amount equal to one and twenty-four-hundredths
 20 percent of the district cost per pupil of the district
 21 for the base year multiplied by the budget enrollment
 22 of the district for the budget year. Annually, the
 23 department of management shall establish a ~~modified~~
 24 ~~allowable growth~~ the amount of additional funding
 25 needed to be raised from the supplementary weighting
 26 for each such district equal to the difference between
 27 the approved budget for the gifted and talented
 28 children program for that district and the sum of the
 29 amount funded from the district cost of the school
 30 district plus funds received from other sources.

31 If any portion of the gifted and talented program
 32 budget remains unexpended at the end of the budget
 33 year, the part of the remainder equal to the
 34 proportion of the original budget which was funded by
 35 ~~an increase in allowable growth, as defined in section~~
 36 ~~257.8,~~ supplementary weightings shall be carried over
 37 to the subsequent budget year and added to the gifted
 38 and talented program budget for that year.

39 Sec. ____ This division of this Act, being deemed
 40 of immediate importance, takes effect upon enactment,
 41 and applies to the computation of school funding for
 42 school budget years commencing on or after July 1,
 43 1996."

44 3. Title page, line 6, by inserting before the

- 45 word "tax" the following: "additional state aid to
- 46 school districts and other property".

SHOULTZ of Black Hawk	MORELAND of Wapello
MURPHY of Dubuque	BRAND of Benton
DODERER of Johnson	BELL of Jasper
HARPER of Black Hawk	WEIGEL of Chickasaw
JOCHUM of Dubuque	LARKIN of Lee
MYERS of Johnson	BURNETT of Story
OLLIE of Clinton	MASCHER of Johnson
NELSON of Pottawattamie	MUNDIE of Webster
MAY of Worth	KOENIGS of Mitchell
WARNSTADT of Woodbury	TAYLOR of Linn
MERTZ of Kossuth	KREIMAN of Davis
CATALDO of Polk	WISE of Lee
OSTERHAUS of Jackson	O'BRIEN of Boone
DREES of Carroll	CONNORS of Polk
BAKER of Polk	WITT of Black Hawk
FALLON of Polk	SCHRADER of Marion
COHOON of Des Moines	

H-5036

- 1 Amend Senate Joint Resolution 1, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "Article III, section 17, Constitution of the State
- 6 of Iowa, is amended by adding the following new
- 7 paragraph beginning with the regular session of the
- 8 general assembly convening in 1999, for tax rates to
- 9 be effective on or after January 1, 1999:
- 10 CERTAIN TAX RATES. However, a bill which raises
- 11 the tax rates imposed on the income of individuals or
- 12 raises the sales or use tax rates shall not be passed
- 13 unless by the assent of three-fifths of all the
- 14 members elected to each branch of the general
- 15 assembly.
- 16 Sec. 2. The following amendment to the
- 17 Constitution of the State of Iowa is proposed:"
- 18 2. Page 1, line 32, by striking the word "three"
- 19 and inserting the following: "five".
- 20 3. Page 2, line 5, by striking the word
- 21 "amendment" and inserting the following:
- 22 "amendments".
- 23 4. Page 2, line 6, by striking the word "is" and
- 24 inserting the following: "are".
- 25 5. Page 2, line 9, by striking the word "it" and
- 26 inserting the following: "the amendments".
- 27 6. Title page, line 1, by inserting after the
- 28 word "Resolution" the following: "relating to state
- 29 financial practices by".
- 30 7. Title page, line 1, by striking the words "an
- 31 amendment" and inserting the following: "amendments".

- 32 8. Title page, line 2, by inserting after the
 33 word "Iowa" the following: "requiring a three-fifths
 34 majority vote by the general assembly on certain tax
 35 bills and".
 36 9. By renumbering as necessary.

Committee on Ways and Means

H-5046

- 1 Amend House File 2111 as follows:
 2 1. Page 4, by inserting after line 18 the
 3 following:
 4 "4. Moneys from the taxpayer relief account shall
 5 be used to pay refund claims pursuant to section
 6 422.73, subsection 3.
 7 Sec. 200. Section 422.73, Code 1995, is amended by
 8 adding the following new subsection:
 9 NEW SUBSECTION 3. Notwithstanding subsection 2,
 10 a claim for refund of individual income tax paid for
 11 any tax year beginning on or after January 1, 1985,
 12 and before January 1, 1989, is considered timely if
 13 filed with the department on or before October 31,
 14 1996, if the taxpayer's claim is the result of the
 15 unconstitutional taxation of federal pension benefits
 16 based upon the decision in Davis v. Michigan
 17 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 18 (1989).
 19 A taxpayer entitled to a refund of tax paid under
 20 this subsection shall receive an amount equal to one
 21 hundred percent of the refund plus interest, with
 22 interest not accruing after January 31, 1996. The
 23 claim for refund shall be filed separate from any
 24 income tax return and shall not be allowed as a credit
 25 for income taxes owed. A claim shall be filed between
 26 the effective date of this subsection and October 31,
 27 1996. An extension for filing shall not be allowed
 28 and claims disallowed on the basis of timeliness shall
 29 not be allowed upon appeal to any other state agency
 30 notwithstanding any other provision of law.
 31 The claim for refund shall be made on claim forms
 32 to be made available by the department. In order for
 33 a taxpayer to have a valid refund claim, the taxpayer
 34 must supply legible copies of documents the director
 35 deems necessary to show entitlement to the refund,
 36 including but not limited to income tax forms and W-2P
 37 forms, which will establish the state income tax that
 38 was paid on the federal pension benefits for the tax
 39 years in question. The burden of proof is on the
 40 taxpayer to show that the claim for refund is valid.
 41 Estates are not entitled to file a claim for refund
 42 under this subsection. However, if a taxpayer has
 43 filed a claim under this subsection and subsequently
 44 dies before receipt of the refund, the taxpayer's

45 estate is entitled to receipt of any valid refund
 46 claim.
 47 The department shall make a reasonable attempt to
 48 notify individuals who are entitled to a refund under
 49 this subsection.
 50 Sec. ____ Section 200 of this division, being

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1 deemed of immediate importance, takes effect upon
 2 enactment."
 3 2. Title page, line 3, by inserting after the
 4 word "tax," the following: "filing of claims for
 5 refunds under the state individual income tax as a
 6 result of taxes paid on certain pensions,".

O'BRIEN of Boone
 MAY of Worth

H-5047

1 Amend House Joint Resolution 2003 as follows:
 2 1. Page 3, by inserting after line 14, the
 3 following:
 4 "Sec. __. The following amendment to the
 5 Constitution of the State of Iowa is proposed:
 6 Article II of the Constitution of the State of Iowa
 7 is amended by adding the following new section:
 8 ELECTIVE PROCESS. Sec. 8. The elective processes
 9 shall be open, subject to public scrutiny, and free
 10 from financial bias. The right of the people to
 11 review the receipts and expenditures made in political
 12 campaigns shall not be violated. A person shall not
 13 use contributions to a political campaign to attempt
 14 to influence the actions of a candidate. Candidates
 15 for political office who voluntarily subject their
 16 campaign receipts and expenditures to public review
 17 and who place voluntary limits on the amount and size
 18 of contributions made to their campaigns shall be
 19 rewarded in the manner provided by law."
 20 2. Page 3, by striking line 15 and inserting the
 21 following:
 22 "Sec. __. The foregoing amendments to the
 23 Constitution of the".
 24 3. Page 3, line 16, by striking the word "is" and
 25 inserting the following: "are".
 26 4. Title page, line 1, by striking the words "an
 27 amendment" and inserting the following: "amendments".
 28 5. Title page, line 6, by inserting after the
 29 word "State" the following: "and relating to campaign
 30 receipts and expenditures".

31 6. By numbering and renumbering as necessary.

JOCHUM of Dubuque
LARKIN of Lee
FALLON of Polk
MASCHER of Johnson
TAYLOR of Linn

H-5050

- 1 Amend House File 523 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "forum," the following: "the Iowa association of
- 4 chiefs of police, the Iowa state police association,
- 5 the Iowa emergency medical services association,".

COON of Warren

H-5051

- 1 Amend Senate File 2063, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 295.1 LEGISLATIVE
- 6 FINDINGS AND INTENT.
- 7 The general assembly finds that it is in the public
- 8 interest to develop and equitably fund instructional
- 9 technology within the public schools of this state to
- 10 ensure that school students, teachers, and
- 11 administrators are equipped and prepared to excel in
- 12 the twenty-first century. Toward that goal, it is the
- 13 intent of this chapter to establish and fund a school
- 14 improvement technology program. It is the intent of
- 15 the general assembly that funds received under a
- 16 school improvement technology program be used to
- 17 supplement, not supplant, funds schools are expending
- 18 for technology.
- 19 Sec. 2. NEW SECTION. 295.2 SCHOOL IMPROVEMENT
- 20 TECHNOLOGY APPROPRIATION.
- 21 1. There is appropriated from the general fund of
- 22 the state to the department of education for each
- 23 fiscal year the sum of thirty million dollars for the
- 24 school improvement technology program.
- 25 2. From the moneys appropriated in subsection 1,
- 26 the amount of moneys allocated to school districts
- 27 shall be in the proportion that the basic enrollment
- 28 of a district bears to the sum of the basic enrollment
- 29 of all districts in the state for the budget year.
- 30 However, for the fiscal period beginning July 1, 1996,
- 31 and ending June 30, 1998, a school district shall not
- 32 receive less than fifteen thousand dollars in each
- 33 fiscal year, and the Iowa braille and sight saving
- 34 school and the state school for the deaf shall each
- 35 not receive less than sixty thousand dollars in each
- 36 fiscal year.

37 For the fiscal year beginning July 1, 1998, and
38 each succeeding year in which moneys are appropriated
39 in subsection 1, the Iowa braille and sight saving
40 school and the state school for the deaf shall not
41 receive less than fifteen thousand dollars in each
42 fiscal year. The Iowa braille and sight saving
43 school, the state school for the deaf, and the Price
44 laboratory school at the university of northern Iowa
45 shall annually certify their basic enrollments to the
46 department of education by October 1.
47 3. For each year in which moneys are appropriated
48 under subsection 1, the department of education shall
49 notify the department of revenue and finance of the
50 amount to be paid to each school district based upon

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1 the distribution plan set forth for the appropriation
2 made pursuant to this section. The allocation to each
3 school district under this section shall be made in
4 one payment on or about October 15 of the fiscal year
5 in which the appropriation is made, taking into
6 consideration the relative budget and cash position of
7 the state resources. Prior to the receipt of funds,
8 school districts shall provide to the department of
9 education adequate assurance that they have developed
10 or are developing a technology plan as required by
11 section 295.3 and that funds received under this
12 section will be used in accordance with the required
13 technology plan. However, approval of the plan by the
14 department is not required.

15 4. Moneys received under this section shall not be
16 commingled with state aid payments made under section
17 257.16 to a school district and shall be accounted for
18 by the local school district separately from state aid
19 payments.

20 5. Payments made to school districts under this
21 section are miscellaneous income for purposes of
22 chapter 257. Each local school district shall
23 maintain a separate technology fund account within its
24 budget for payments received and expenditures made
25 pursuant to this section.

26 6. Moneys received under this section shall not be
27 used for payment of any collective bargaining
28 agreement or arbitrator's decision negotiated or
29 awarded under chapter 20.

30 7. For purposes of this section, "school district"
31 means a school district, the Iowa braille and sight
32 saving school, the state school for the deaf, and the
33 Price laboratory school at the university of northern
34 Iowa.

35 Sec. 3. **NEW SECTION. 295.3 SCHOOL IMPROVEMENT**
36 **TECHNOLOGY PLANNING.**

37 1. The board of directors of a school district
 38 shall adopt a technology plan that supports school
 39 improvement technology efforts and includes an
 40 evaluation component. The plan shall focus on the
 41 attainment of student achievement goals under sections
 42 280.12 and 280.18 and shall demonstrate the manner in
 43 which the board, over a four-year period, will utilize
 44 technology to improve student achievement. The plan
 45 shall be developed by licensed professional staff of
 46 the district, including both teachers and
 47 administrators. The advisory committee appointed by
 48 the board pursuant to section 280.12, subsection 2,
 49 shall advise the board concerning the development of
 50 goals and the assessment process and measurements to

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1 be used under the plan. Technology plans shall be
 2 kept on file in the district and a copy sent to the
 3 appropriate area education agency. Progress made
 4 under these plans shall be included as part of the
 5 annual report submitted to the department of education
 6 in compliance with sections 280.12 and 280.18.

7 2. If the board of directors of a school district
 8 elects to employ a technology director, the
 9 qualifications for the position shall be determined by
 10 the board.

11 3. The Iowa braille and sight saving school, the
 12 state school for the deaf, and the Price laboratory
 13 school at the university of northern Iowa shall
 14 develop a technology plan that supports and improves
 15 student achievement, demonstrates the manner in which
 16 technology will be utilized to improve student
 17 achievement, and includes an evaluation component.
 18 Plans and an annual progress report shall be submitted
 19 to the state board of regents and the department of
 20 education.

21 Sec. 4. **NEW SECTION. 295.4 SCHOOL IMPROVEMENT**
 22 **AND TECHNOLOGY EXPENDITURES.**

23 Funds received by a school district pursuant to
 24 section 295.2 shall be expended for communication
 25 costs, the acquisition, lease, or lease-purchase,
 26 installation, and maintenance of instructional
 27 technology equipment, including hardware and software,
 28 materials and supplies related to instructional
 29 technology, and staff development and training.
 30 Priorities for the use of the funds shall be made by
 31 the school district."

Committee on Education

H-5055

1 Amend the amendment, H-5051, to Senate File 2063,

2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 9, by inserting after the word
5 "public" the following: "and nonpublic".

6 2. Page 1, by inserting after line 46 the
7 following:

8 "_. Each board of directors of a school district
9 allocated funds under subsection 2 shall be required
10 to establish a fund from which accredited nonpublic
11 schools are entitled to receive moneys. From the
12 moneys allocated in subsection 2, the department of
13 education shall distribute not more than one million
14 dollars to the funds established pursuant to this
15 subsection based upon the proportion that each
16 accredited nonpublic school's enrollment bears to the
17 sum of the basic enrollment of all accredited
18 nonpublic schools in the state. Moneys in the funds
19 established by the boards shall be expended for
20 communication costs, the acquisition, lease, or lease-
21 purchase, installation, and maintenance of
22 instructional technology equipment, including
23 hardware, software, and materials and supplies related
24 to instructional technology to nonpublic school
25 students."

26 3. Page 3, by inserting after line 20 the
27 following:

28 "_. Each accredited nonpublic school receiving
29 funds under section 295.2 shall develop a technology
30 plan that supports and improves student achievement,
31 demonstrates the manner in which technology will be
32 utilized to improve student achievement, and includes
33 an evaluation component. Plans and an annual progress
34 report shall be submitted to the department of
35 education."

36 4. Page 3, by inserting after line 31 the
37 following:

38 "_. Title page, line 2, by inserting after the
39 word "districts," the following: "accredited
40 nonpublic schools,""

41 5. By renumbering as necessary.

ERTL of Dubuque

H-5056

1 Amend House File 2111 as follows:

2 1. Page 4, by striking lines 10 and 11, and
3 inserting the following: "taxpayer relief account
4 shall be used for property tax relief by the".

5 2. Page 4, line 18, by striking the word
6 "dollars." and inserting the following: "dollars to
7 offset the cost of school property tax relief through
8 additional school funding provided by an increase in
9 the foundation base starting with the budget year

10 commencing July 1, 1996.

11 Sec. 300. Section 257.1, subsection 2, unnumbered
12 paragraph 2, Code Supplement 1995, is amended to read
13 as follows:

14 For the budget year commencing July 1, ~~1991~~ 1996,
15 ~~and for each succeeding budget year~~ the regular
16 program foundation base per pupil is ~~eighty-three~~
17 eighty-seven percent of the regular program state cost
18 per pupil, ~~except that the regular program foundation~~
19 ~~base per pupil for the portion of weighted enrollment~~
20 ~~that is additional enrollment because of special~~
21 ~~education is seventy-nine percent of the regular~~
22 ~~program state cost per pupil.~~ For each succeeding
23 budget year, the regular program foundation base shall
24 increase one-half of one percent per year until the
25 regular program foundation base reaches ninety percent
26 of the regular program state cost per pupil. For the
27 budget year commencing July 1, ~~1991~~ 1996, ~~and for each~~
28 ~~succeeding budget year~~ the special education support
29 services foundation base is ~~seventy-nine~~ eighty-seven
30 percent of the special education support services
31 state cost per pupil. It shall increase at the same
32 rate as the regular program foundation base. The
33 combined foundation base is the sum of the regular
34 program foundation base and the special education
35 support services foundation base.

36 Sec. ____ Section 300 of this division, being
37 deemed of immediate importance, takes effect upon
38 enactment, and applies to the computation of school
39 funding for school budget years commencing on or after
40 July 1, 1996."

41 3. Title page, line 6, by inserting before the
42 word "tax" the following: "additional state aid to
43 school districts and other property".

WISE of Lee

H-5057

1 Amend the amendment, H-5051, to Senate File 2063,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 43, by inserting after the word
5 "deaf," the following: "the state training school as
6 defined in section 233A.1, subsection 2,".

7 2. Page 2, line 32, by inserting after the word
8 "deaf," the following: "the state training school as
9 defined in section 233A.1, subsection 2,".

10 3. Page 3, line 12, by inserting after the word
11 "deaf," the following: "the state training school as
12 defined in section 233A.1, subsection 2,".

BRUNKHORST of Bremer
SUKUP of Franklin
TYRRELL of Iowa

H-5062

- 1 Amend House File 2166 as follows:
- 2 1. Page 1, by striking lines 9 and 10 and
- 3 inserting the following: "shareholders."
- 4 2. Page 1, by striking lines 18 and 19.

HOLVECK of Polk

H-5063

- 1 Amend House File 2166 as follows:
- 2 1. Page 1, by striking lines 8 through 10.
- 3 2. Page 1, by striking line 11.
- 4 3. Page 1, by striking line 12.
- 5 4. Page 1, by striking line 13.
- 6 5. Page 1, by striking lines 14 and 15.
- 7 6. Page 1, by striking lines 16 and 17.
- 8 7. Page 1, by striking lines 18 and 19.

WEIGEL of Chickasaw

H-5068

- 1 Amend House File 2144 as follows:
- 2 1. Page 2, line 16, by inserting after the word
- 3 "contract" the following: "or other relationship to
- 4 provide services".

BODDICKER of Cedar
MYERS of Johnson

H-5074

- 1 Amend Senate File 2063, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 295.1 LEGISLATIVE
- 6 FINDINGS AND INTENT.
- 7 The general assembly finds that it is in the public
- 8 interest to develop and equitably fund instructional
- 9 technology within the public schools of this state to
- 10 ensure that school students, teachers, and
- 11 administrators are equipped and prepared to excel in
- 12 the twenty-first century. Toward that goal, it is the
- 13 intent of this chapter to establish and fund a school
- 14 improvement technology program. It is the intent of
- 15 the general assembly that funds received under a
- 16 school improvement technology program be used to
- 17 supplement, not supplant, funds schools are expending
- 18 for technology.
- 19 Sec. 2. NEW SECTION. 295.2 SCHOOL IMPROVEMENT
- 20 TECHNOLOGY APPROPRIATION.
- 21 1. a. There is appropriated from the general fund

22 of the state to the department of education for the
23 fiscal year beginning July 1, 1996, and ending June
24 30, 1997, the sum of fifteen million dollars for the
25 school improvement technology program.

26 b. There is appropriated from the rebuild Iowa
27 infrastructure account of the state to the department
28 of education for the fiscal year beginning July 1,
29 1996, and ending June 30, 1997, the sum of fifteen
30 million dollars for the school improvement technology
31 program.

32 c. There is appropriated from the general fund of
33 the state to the department of education for each
34 fiscal year of the fiscal period beginning July 1,
35 1997, and ending June 30, 2001, the sum of thirty
36 million dollars for the school improvement technology
37 program.

38 2. From the moneys appropriated in subsection 1,
39 the amount of moneys allocated to school districts
40 shall be in the proportion that the basic enrollment
41 of a district bears to the sum of the basic enrollment
42 of all districts in the state for the budget year.
43 However, for the fiscal period beginning July 1, 1996,
44 and ending June 30, 1998, a school district shall not
45 receive less than fifteen thousand dollars in each
46 fiscal year, and the Iowa braille and sight saving
47 school and the state school for the deaf shall each
48 not receive less than sixty thousand dollars in each
49 fiscal year.

50 For the fiscal year beginning July 1, 1998, and

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1 each succeeding year in which moneys are appropriated
2 in subsection 1, the Iowa braille and sight saving
3 school and the state school for the deaf shall not
4 receive less than fifteen thousand dollars in each
5 fiscal year. The Iowa braille and sight saving
6 school, the state school for the deaf, and the Price
7 laboratory school at the university of northern Iowa
8 shall annually certify their basic enrollments to the
9 department of education by October 1.

10 3. For each year in which moneys are appropriated
11 under subsection 1, the department of education shall
12 notify the department of revenue and finance of the
13 amount to be paid to each school district based upon
14 the distribution plan set forth for the appropriation
15 made pursuant to this section. The allocation to each
16 school district under this section shall be made in
17 one payment on or about October 15 of the fiscal year
18 in which the appropriation is made, taking into
19 consideration the relative budget and cash position of
20 the state resources. Prior to the receipt of funds,
21 school districts shall provide to the department of

22 education adequate assurance that they have developed
23 or are developing a technology plan as required by
24 section 295.3 and that funds received under this
25 section will be used in accordance with the required
26 technology plan. However, approval of the plan by the
27 department is not required.

28 4. Moneys received under this section shall not be
29 commingled with state aid payments made under section
30 257.16 to a school district and shall be accounted for
31 by the local school district separately from state aid
32 payments.

33 5. Payments made to school districts under this
34 section are miscellaneous income for purposes of
35 chapter 257. Each local school district shall
36 maintain a separate technology fund account within its
37 budget for payments received and expenditures made
38 pursuant to this section.

39 6. Moneys received under this section shall not be
40 used for payment of any collective bargaining
41 agreement or arbitrator's decision negotiated or
42 awarded under chapter 20.

43 7. For purposes of this section, "school district"
44 means a school district, the Iowa braille and sight
45 saving school, the state school for the deaf, and the
46 Price laboratory school at the university of northern
47 Iowa.

48 Sec. 3. NEW SECTION. 295.3 SCHOOL IMPROVEMENT
49 TECHNOLOGY PLANNING.

50 1. The board of directors of a school district

Page 3

1 shall adopt a technology plan that supports school
2 improvement technology efforts and includes an
3 evaluation component. The plan shall focus on the
4 attainment of student achievement goals under sections
5 280.12 and 280.18 and shall demonstrate the manner in
6 which the board, over a four-year period, will utilize
7 technology to improve student achievement. The plan
8 shall be developed by licensed professional staff of
9 the district, including both teachers and
10 administrators. The advisory committee appointed by
11 the board pursuant to section 280.12, subsection 2,
12 shall advise the board concerning the development of
13 goals and the assessment process and measurements to
14 be used under the plan. Technology plans shall be
15 kept on file in the district and a copy sent to the
16 appropriate area education agency. Progress made
17 under these plans shall be included as part of the
18 annual report submitted to the department of education
19 in compliance with sections 280.12 and 280.18.

20 2. The Iowa braille and sight saving school, the
21 state school for the deaf, and the Price laboratory

22 school at the university of northern Iowa shall
 23 develop a technology plan that supports and improves
 24 student achievement, demonstrates the manner in which
 25 technology will be utilized to improve student
 26 achievement, and includes an evaluation component.
 27 Plans and an annual progress report shall be submitted
 28 to the state board of regents and the department of
 29 education.

30 Sec. 4. NEW SECTION. 295.4 SCHOOL IMPROVEMENT
 31 AND TECHNOLOGY EXPENDITURES.

32 Funds received by a school district pursuant to
 33 section 295.2 shall be expended for communication
 34 costs, the acquisition, lease, or lease-purchase,
 35 installation, and maintenance of instructional
 36 technology equipment, including hardware and software,
 37 materials and supplies related to instructional
 38 technology, and staff development and training.
 39 Priorities for the use of the funds shall be made by
 40 the school district. This section shall not be
 41 construed to prevent the board of directors of a
 42 school district in its discretion from using the funds
 43 received pursuant to section 295.2 for staff
 44 development and training. However, funds received by
 45 a school district pursuant to section 295.2 shall not
 46 be expended to add a full-time equivalent position or
 47 otherwise increase staffing."

48 2. Title page, lines 5 and 6, by striking the
 49 words " , and providing for an effective date".

Committee on Appropriations

H-5075

1 Amend House File 2181 as follows:

- 2 1. Page 2, line 24, by striking the word "avoids"
- 3 and inserting the following: "prevents".

GRUNDBERG of Polk

H-5076

1 Amend House File 2181 as follows:

- 2 1. Page 2, by inserting after line 26 the
- 3 following:
- 4 "d. The department shall not release data in a
- 5 manner which categorizes the data by county or is in
- 6 any manner county-specific."

HARPER of Black Hawk

H-5077

1 Amend House File 2181 as follows:

- 2 1. Page 1, line 3 and 4, by striking the words
- 3 "identifies a spontaneous termination of pregnancy or
- 4 who".

- 5 2. Page 1, by striking line 15.
- 6 3. Page 1, line 16, by inserting after the word
- 7 "patient" the following: "and of the impregnator".
- 8 4. Page 1, by striking line 18.
- 9 5. Page 1, line 20, by striking the words
- 10 "spontaneous or".
- 11 6. Page 1, by striking line 25.
- 12 7. Page 1, lines 26 and 27, by striking the words
- 13 " , if the termination is induced".
- 14 8. Page 1, line 32, by striking the words
- 15 "identifies or".
- 16 9. Page 1, line 34, by striking the words
- 17 "identified or".
- 18 10. By renumbering as necessary.

CONNORS of Polk
 DODERER of Johnson
 METCALF of Polk

H-5080

- 1 Amend the amendment, H-5074, to Senate File 2063,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "public" the following: "and nonpublic".
- 6 2. Page 2, by inserting after line 9 the
- 7 following:
- 8 "___ . Each board of directors of a school district
- 9 allocated funds under subsection 2 shall be required
- 10 to establish a fund for the purpose of purchasing
- 11 instructional technology as provided in this
- 12 subsection on behalf of pupils attending accredited
- 13 nonpublic schools. From the moneys allocated in
- 14 subsection 2, the department of education shall
- 15 distribute not more than one million dollars to the
- 16 funds established pursuant to this subsection based
- 17 upon the proportion that the number of pupils enrolled
- 18 in an accredited nonpublic school in that district
- 19 bears to the total number of pupils enrolled in all
- 20 accredited nonpublic schools in the state. Moneys in
- 21 the funds established by the boards shall be expended
- 22 for communication costs, the acquisition, lease, or
- 23 lease-purchase, installation, and maintenance of
- 24 instructional technology equipment, including
- 25 hardware, software, and materials and supplies related
- 26 to instructional technology for nonpublic school
- 27 students."
- 28 3. Page 3, by inserting after line 29 the
- 29 following:
- 30 "___ . Each accredited nonpublic school for which
- 31 instructional technology is purchased under section
- 32 295.2 on behalf of accredited nonpublic school pupils
- 33 shall develop a technology plan that supports and

34 improves student achievement, demonstrates the manner
 35 in which technology will be utilized to improve
 36 student achievement, and includes an evaluation
 37 component. Plans and an annual progress report shall
 38 be submitted to the department of education."

39 4. Page 3, by inserting after line 47 the
 40 following:

41 "_. Title page, line 2, by inserting after the
 42 word "districts," the following: "accredited
 43 nonpublic schools,""

44 5. By renumbering as necessary.

ERTL of Dubuque

H-5081

1 Amend House File 2196 as follows:

2 1. Page 1, by striking line 9 and inserting the
 3 following: "follows, notwithstanding section 8.60:

4 (1) For the fiscal year beginning June 30, 1995,
 5 and ending July 1, 1996, fifteen million dollars is
 6 appropriated to the essential school repairs and
 7 construction revolving fund created in section 297.43.

8 (2) For the fiscal years beginning July 1, 1997,
 9 and ending June 30, 2002, all moneys received pursuant
 10 to this lettered paragraph are appropriated to the
 11 essential school repairs and construction revolving
 12 fund created in section 297.43."

13 2. Page 1, by inserting before line 10 the
 14 following:

15 "Sec. . **NEW SECTION. 16.152 ESSENTIAL SCHOOL**
 16 **REPAIR AND CONSTRUCTION PROGRAM - FUNDING - BONDS**
 17 **AND NOTES.**

18 1. The authority shall cooperate with the
 19 department of education in the creation,
 20 administration, and financing of the essential school
 21 repair and construction program established in
 22 sections 297.41 through 297.46.

23 2. The authority may issue its bonds and notes for
 24 the purpose of funding the revolving loan fund created
 25 under section 297.43 and providing low-interest loans
 26 to school districts to implement essential school
 27 repair and construction plans approved by the
 28 department of education.

29 3. The authority may issue its bonds and notes for
 30 the purposes established and may enter into one or
 31 more lending agreements or purchase agreements with
 32 one or more bondholders or noteholders containing the
 33 terms and conditions of the repayment of and the
 34 security for the bonds or notes. The authority and
 35 the bondholders or noteholders or a trustee agent
 36 designated by the authority may enter into agreements
 37 to provide for any of the following:

38 a. That the proceeds of the bonds and notes and

39 the investments of the proceeds may be received, held,
40 and disbursed by the authority or by a trustee or
41 agent designated by the authority.

42 b. That the bondholders or noteholders or a
43 trustee or agent designated by the authority may
44 collect, invest, and apply the amount payable under
45 the loan agreements or any other instruments securing
46 the debt obligations under the loan agreements.

47 c. That the bondholders or noteholders may enforce
48 the remedies provided in the loan agreements or other
49 instruments on their own behalf without the
50 appointment or designation of a trustee. If there is

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1 a default in the principal of or interest on the bonds
2 or notes or in the performance of any agreement
3 contained in the loan agreements or other instruments,
4 the payment or performance may be enforced in
5 accordance with the loan agreement or other
6 instrument.

7 d. Other terms and conditions as deemed necessary
8 or appropriate by the authority.

9 4. The powers granted the authority under this
10 section are in addition to other powers contained in
11 this chapter. All other provisions of this chapter,
12 except section 16.28, subsection 4, apply to bonds or
13 notes issued and powers granted to the authority under
14 this section except to the extent they are
15 inconsistent with this section.

16 5. All bonds or notes issued by the authority in
17 connection with the program are exempt from taxation
18 by this state and the interest on the bonds or notes
19 is exempt from state income tax.

20 Sec. ____ NEW SECTION. 16.153 SECURITY -
21 RESERVE FUNDS - PLEDGES - NONLIABILITY -
22 IRREVOCABLE CONTRACTS.

23 1. The authority may provide in the resolution,
24 trust agreement, or other instrument authorizing the
25 issuance of its bonds or notes pursuant to section
26 16.152 that the principal of, premium, and interest on
27 the bonds or notes are payable from any of the
28 following and may pledge the same to its bonds and
29 notes:

30 a. The income and receipts or other money derived
31 from the projects financed with the proceeds of the
32 bonds or notes.

33 b. The income and receipts or other money derived
34 from designated projects whether or not the projects
35 are financed in whole or in part with the proceeds of
36 the bonds or notes.

37 c. The amounts on deposit in the revolving loan
38 fund.

39 d. The amounts payable to the department of
40 education by school districts pursuant to loan
41 agreements with school districts.
42 e. Any other funds or accounts established by the
43 authority in connection with the program or the sale
44 and issuance of its bonds or notes.
45 2. The authority may establish reserve funds, to
46 secure one or more issues of its bonds or notes. The
47 authority may deposit in a reserve fund established
48 under this subsection the proceeds of the sale of its
49 bonds or notes and other money made available from any
50 other source.

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1 3. It is the intention of the general assembly
2 that a pledge made in respect of bonds or notes shall
3 be valid and binding from the time the pledge is made,
4 that the money or property so pledged and received
5 after the pledge by the authority shall immediately be
6 subject to the lien of the pledge without physical
7 delivery or further act, and that the lien of the
8 pledge shall be valid and binding as against all
9 parties having claims of any kind in tort, contract,
10 or otherwise against the authority whether or not the
11 parties have notice of the lien. Neither the
12 resolution, trust agreement, nor any other instrument
13 by which a pledge is created needs to be recorded or
14 filed under the Iowa uniform commercial code to be
15 valid, binding, or effective against the parties.
16 4. Neither the members of the authority nor
17 persons executing the bonds or notes are liable
18 personally on the bonds or notes or are subject to
19 personal liability or accountability by reason of the
20 issuance of the bonds or notes.
21 5. The bonds or notes issued by the authority are
22 not an indebtedness or other liability of the state or
23 of a political subdivision of the state within the
24 meaning of any constitutional or statutory debt
25 limitations but are special obligations of the
26 authority, and are payable solely from the income and
27 receipts or other funds or property of the department
28 of education, and the amounts on deposit in the
29 revolving loan fund, and the amounts payable to the
30 department under its loan agreements with the school
31 districts to the extent that the amounts are
32 designated in the resolution, trust agreement, or
33 other instrument of the authority authorizing the
34 issuance of the bonds or notes as being available as
35 security for such bonds or notes. The authority shall
36 not pledge the faith or credit of the state or of a
37 political subdivision of the state to the payment of
38 any bonds or notes. The issuance of any bonds or

39 notes by the authority does not directly, indirectly,
40 or contingently obligate the state or a political
41 subdivision of the state to apply money from, or levy
42 or pledge any form of taxation whatever to, the
43 payment of the bonds or notes.
44 6. The state pledges to and agrees with the
45 holders of bonds or notes issued under the essential
46 school repair and construction program that the state
47 will not limit or alter the rights and powers vested
48 in the authority to fulfill the terms of a contract
49 made by the authority with respect to the bonds or
50 notes, or in any way impair the rights and remedies of

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1 the holders until the bonds or notes, together with
2 the interest on them including interest on unpaid
3 installments of interest, and all costs and expenses
4 in connection with an action or proceeding by or on
5 behalf of the holders, are fully met and discharged.
6 The authority is authorized to include this pledge and
7 agreement of the state, as it refers to holders of
8 bonds or notes of the authority, in a contract with
9 the holders.
10 Sec. ____ NEW SECTION. 16.154 ADOPTION OF RULES.
11 The authority shall adopt rules pursuant to chapter
12 17A to implement sections 16.152 and 16.153.
13 Sec. ____ Section 256.9, Code 1995, is amended by
14 adding the following new subsection:
15 NEW SUBSECTION. 49. Develop a system to
16 prioritize the school building repair and construction
17 needs of Iowa's school districts pursuant to section
18 297.42 and based upon age of the buildings and life
19 safety factors. In addition, the department shall
20 establish criteria for evaluating school district
21 essential school repair and construction plans as
22 provided in section 297.42.
23 Sec. ____ NEW SECTION. 297.41 FINDINGS.
24 The general assembly finds and declares that safe,
25 well-maintained school buildings designed for
26 efficiency are essential for Iowa's continued
27 educational success. The general assembly further
28 finds and declares that to meet present and future
29 school building needs, it is in the state's best
30 interest to encourage local school districts to
31 maintain and construct buildings to provide safe
32 learning environments. To assist school districts and
33 communities in repairing or replacing crumbling,
34 deteriorating, and outdated school buildings in the
35 state, it is the intent of the general assembly to
36 establish a state-sponsored mechanism to provide loans
37 to school districts at the lowest reasonable rates.
38 Sec. ____ NEW SECTION. 297.42 ESSENTIAL SCHOOL

39 REPAIR AND CONSTRUCTION PROGRAM.

40 1. An essential school repair and construction
41 program providing assistance to school districts for
42 funding the repair and construction of Iowa's school
43 buildings is established. A board of directors that
44 wishes to consider participating in the essential
45 school repair and construction program shall develop
46 and submit by October 1 to the department of education
47 for review an essential school repair and construction
48 plan which shall specify funding needs and meet the
49 criteria established by the department pursuant to
50 section 256.9, subsection 49.

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1 2. If the department approves of the district
2 plan, the department shall establish a priority level
3 for the plan based upon criteria developed pursuant to
4 section 256.9, subsection 49, and shall consult with
5 the Iowa finance authority about the availability of,
6 funding for loans pursuant to the loan program
7 established in sections 16.152 through 16.154. The
8 department shall notify districts of their plan
9 approval and loan eligibility based upon the funds
10 available through the Iowa finance authority and the
11 school district priority.

12 3. Upon notification of loan eligibility from the
13 department, the board of directors of a school
14 district may adopt a resolution to participate in the
15 essential school repair and construction program for a
16 period not exceeding five years. The resolution shall
17 include authorization for the board to levy the
18 essential school repair and construction property tax
19 levy to repay the loans. The board shall certify its
20 action to the department, and the department shall
21 notify the Iowa finance authority to make loans
22 available.

23 4. Districts which have approved plans but the
24 priority level of the district is too low to receive
25 funding may adopt the essential school repair and
26 construction levy. The procedure specified in section
27 257.18 for the instructional support program,
28 including, but not limited to, provisions relating to
29 a public hearing, publication of notice, adoption of a
30 resolution, election and petition for election shall
31 be used for the levy. The property tax shall be
32 levied pursuant to section 297.44.

33 5. Participation in the essential school repair
34 and construction program is not affected by a change
35 in the boundaries of the school district, except as
36 otherwise provided in this section. If each school
37 district involved in a school reorganization under
38 chapter 275 has approved an essential school repair

39 and construction levy, the existing essential school
40 repair and construction program is in effect for the
41 reorganized district for the least amount and the
42 shortest time for which it is in effect in any of the
43 districts.

44 Sec. ____ NEW SECTION. 297.43 ESSENTIAL SCHOOL
45 REPAIRS AND CONSTRUCTION REVOLVING FUND.

46 1. An essential school repair and construction
47 revolving fund is created in the office of the
48 treasurer of state under the control of the Iowa
49 finance authority. The revolving loan fund shall
50 include sums appropriated to the revolving loan fund

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1 by the general assembly and all receipts received by
2 the revolving loan fund. All moneys appropriated to
3 and deposited in the revolving fund are appropriated
4 and shall be used for the sole purpose of making low-
5 interest loans to school districts to finance all or
6 part of the cost of implementing essential school
7 repair and construction plans approved by the
8 department of education. The moneys in the revolving
9 loan fund are not considered part of the general fund
10 of the state, are not subject to appropriation for any
11 other purpose by the general assembly, and in
12 determining a general fund balance at the close of a
13 fiscal year shall not be included in the general fund
14 of the state. Notwithstanding section 8.33, moneys
15 remaining in the revolving fund at the close of a
16 fiscal year shall remain in the revolving loan fund to
17 be used for purposes of the fund. The revolving loan
18 fund is a dedicated fund under the administration and
19 control of the authority and subject to section 16.31.
20 Moneys on deposit in the revolving loan fund shall be
21 invested by the treasurer of state in cooperation with
22 the authority, and the income from the investments
23 shall be credited to and deposited in the revolving
24 loan fund.

25 2. The department and the authority may establish
26 and maintain other funds or accounts determined to be
27 necessary to carry out the purposes of this part and
28 shall provide for the funding, administration,
29 investment, restrictions, and disposition of the funds
30 and accounts.

31 3. The department and the authority shall
32 establish fiscal controls and accounting procedures
33 during appropriate accounting periods for payments and
34 disbursements received and made by the revolving loan
35 fund, and to fund balances at the beginning and end of
36 the accounting periods.

37 4. For purposes of sections 297.41 through 297.46,
38 "authority" means the Iowa finance authority

39 established in section 16.2.

40 Sec. ____ NEW SECTION. 297.44 ESSENTIAL SCHOOL
41 REPAIRS AND CONSTRUCTION PROPERTY TAX.

42 A school district may certify an essential school
43 repair and construction property tax levy in an amount
44 not to exceed one dollar per thousand dollars of
45 taxable value in the district each year. Moneys
46 received by a district from the property tax levy and
47 from the revolving loan fund for the essential school
48 repair and construction program shall be deposited in
49 the district's capital projects fund under section
50 298A.9.

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1 Certification of a board's intent to participate
2 for a budget year, the method of funding, and the
3 amount to be raised shall be made to the department of
4 management not later than April 15 of the base year.

5 Sec. ____ NEW SECTION. 297.45 POWERS AND DUTIES
6 OF THE DIRECTOR OF THE DEPARTMENT OF EDUCATION.

7 The director of the department of education shall:

8 1. Process and review essential school repair and
9 construction plans submitted by school districts
10 pursuant to section 297.42.

11 2. Approve loan applications of school districts
12 that satisfy the rules adopted by the state board of
13 education.

14 3. Process and review all documents relating to
15 projects and the extending of loans.

16 4. Prepare and process, in coordination with the
17 authority, documents relating to the extending of
18 loans to school districts, the sale and issuance of
19 bonds, notes, or other obligations of the authority
20 relating to the program, and the administration of the
21 program.

22 5. Include in the budget prepared pursuant to
23 section 256.9, subsection 6, an annual budget for the
24 administration of the program and the use and
25 disposition of amounts on deposit in the revolving
26 fund.

27 6. Charge each school district receiving a loan
28 from the revolving loan fund a loan origination fee
29 and an annual loan servicing fee. The amount of the
30 loan origination fees and the loan servicing fees
31 established shall be relative to the amount of a loan
32 made from the revolving loan fund. Notwithstanding
33 section 297.43, subsection 1, the director shall
34 deposit the receipts from the loan origination fees
35 and the loan servicing fees in a separate account
36 within the revolving fund for administration of the
37 program.

38 7. Consult with and receive the approval of the

39 authority concerning the terms and conditions of loan
40 agreements with school districts as to the financial
41 integrity of the loan.
42 8. Perform other acts and assume other duties and
43 responsibilities necessary for the operation of the
44 program.
45 Sec. ____ NEW SECTION. 297.46 CONTINUATION OF
46 ESSENTIAL SCHOOL REPAIRS AND CONSTRUCTION PROGRAM.
47 At the expiration of the period for which the
48 essential school repair and construction program was
49 adopted, the program may be extended by a school
50 district for a period not exceeding five or ten years

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1 in the manner provided in section 297.42.
2 If an election is held on the adoption of the
3 program, and the voters do not approve adoption of the
4 essential school repair and construction program as
5 provided in section 297.42, the board shall wait at
6 least one hundred twenty days following the election
7 before taking action to adopt the program or resubmit
8 the proposition.”
9 3. Title page, line 2, by inserting after the
10 word “fund” the following: “and making appropriations
11 from the rebuild Iowa infrastructure fund.”
12 4. By renumbering as necessary.

SHOULTZ of Black Hawk
WITT of Black Hawk

H-5082

1 Amend House File 2196 as follows:
2 1. Page 1, line 7, by inserting after the words
3 “shall be” the following: “transferred to the general
4 fund of the state to the extent necessary to replace
5 the lost income tax revenue resulting from the
6 increase in the child and dependent care credit under
7 section 422.12C, subsection 1, as enacted by this Act,
8 and the remaining moneys shall be”.
9 2. Page 1, by inserting after line 9, the
10 following:
11 “Sec. 100. Section 422.12C, subsection 1,
12 unnumbered paragraph 1, Code 1995, is amended to read
13 as follows:
14 The taxes imposed under this division, less the
15 credits allowed under sections 422.11A, 422.11B,
16 422.11C, 422.12, and 422.12B shall be reduced by a
17 child and dependent care credit equal to the following
18 percentages amount of the federal child and dependent
19 care credit provided in section 21 of the Internal
20 Revenue Code.
21 Sec. 101. Section 422.12C, subsection 1,

- 22 paragraphs a, b, c, d, e, and f, Code 1995, are
 23 amended by striking the paragraphs.”
 24 3. Page 1, line 10, by striking the words “This
 25 Act” and inserting the following: “Section 1 of this
 26 Act”.
 27 4. Page 1, by inserting after line 12 the
 28 following:
 29 “Sec. ____ Sections 100 and 101 of this Act, being
 30 deemed of immediate importance, take effect upon
 31 enactment and apply retroactively to tax years
 32 beginning on or after that date.”
 33 5. Title page, line 2, by inserting after the
 34 word “fund” the following: “, increasing the child
 35 and dependent care individual income tax credit,”.

CATALDO of Polk

H-5083

- 1 Amend House File 2182 as follows:
 2 1. Page 1, by inserting after line 27 the
 3 following:
 4 “5. The provisions of this section shall not apply
 5 to any pregnant woman who objects to the test for
 6 group B streptococcus on the ground that the test
 7 conflicts with the pregnant woman’s religious beliefs
 8 and practices.”

Committee on Human Resources

H-5085

- 1 Amend the amendment, H-5074, to Senate File 2063,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 21 through 31.
 5 2. Page 1, line 32, by striking the letter “c.”
 6 and inserting the following: “1.”
 7 3. Page 1, line 35, by striking the figure “1997”
 8 and inserting the following: “1996”.

KOENIGS of Mitchell

H-5089

- 1 Amend House File 2182 as follows:
 2 1. Page 1, by striking lines 3 through 17 and
 3 inserting the following:
 4 “1. In recognition of the potential of group B
 5 streptococcus for causing life-threatening infections
 6 in newborn babies, a physician may test a pregnant
 7 patient for group B streptococcus.
 8 2. A physician providing prenatal care shall
 9 routinely supply pregnant patients with concise
 10 written information of less than one page in length,
 11 to be developed by the department, regarding group B

12 streptococcus risks, diagnosis, prevention, and
 13 treatment. If, after reading this information a
 14 patient requests to be tested for group B
 15 streptococcus, the physician shall perform a screening
 16 culture between the thirty-fifth and thirty-seventh
 17 weeks of pregnancy.”

FALLON of Polk

H-5095

1 Amend House File 2183 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 “elder” the following: “who intend to procreate or
 4 raise children”.
 5 2. Page 2, by inserting after line 21 the
 6 following:
 7 “Sec. ____ NEW SECTION. 595.4A. APPLICATION FOR
 8 LICENSE TO MARRY – INTENT TO PROCREATE OR RAISE
 9 CHILDREN.
 10 In addition to the information required to be
 11 included in a signed and verified application filed
 12 with the clerk prior to the issuance of a license to
 13 marry, the parties shall include an affidavit of some
 14 competent and disinterested person stating that the
 15 parties intend to procreate or to raise children
 16 during the course of the marriage.”
 17 3. By renumbering as necessary.

FALLON of Polk

H-5097

1 Amend House File 397 as follows:
 2 1. Page 1, line 4, by striking the figure “1995”
 3 and inserting the following: “1996”.
 4 2. Page 1, line 5, by striking the figure “1996”
 5 and inserting the following: “1997”.
 6 3. Page 2, line 7, by striking the figure “1995”
 7 and inserting the following: “1996”.

HARRISON of Scott

H-5099

1 Amend House File 47 as follows:
 2 1. Page 1, by inserting after line 4 the
 3 following:
 4 “The provisions establishing English as the
 5 official language of the state shall not apply:
 6 1. To state employees in the oral or verbal, as
 7 opposed to written, performance of government
 8 business.
 9 2. To instruction in foreign language classes.
 10 3. To instruction designed to aid students with
 11 limited English proficiency.

- 12 4. When deemed to interfere with the needs of the
 13 judicial system.
 14 5. When public health, safety, and emergency
 15 services require the use of other languages.
 16 6. To the promotion of international commerce and
 17 tourism."

Houser of Pottawattamie

H-5100

- 1 Amend House File 2003 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 462A.2, subsection 16, Code
 5 1995, is amended to read as follows:
 6 16. "Navigable waters" means all lakes, rivers and
 7 streams, which can support a vessel capable of
 8 carrying one or more persons during a total of six
 9 months period in ~~one~~ nine out of every ten years."
 10 2. Title page, line 1, by striking the words "the
 11 definition of".
 12 3. By renumbering as necessary.

KREMER of Buchanan

H-5101

- 1 Amend the amendment, H-5074, to Senate File 2063,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by inserting after line 9 the
 5 following:
 6 "_. From moneys appropriated in each fiscal year
 7 in subsection 1, the sum of thirty thousand dollars
 8 shall be allocated to the department of human services
 9 which shall distribute funds in the amount of fifteen
 10 thousand dollars to the Glenwood state hospital-school
 11 and funds in the amount of fifteen thousand dollars to
 12 the Woodward state hospital-school. The allocations
 13 to the state hospital-schools shall be made in one
 14 payment on or about October 15 of the fiscal year in
 15 which the appropriation is made, taking into
 16 consideration the relative budget and cash position of
 17 the state resources. Payments received under this
 18 subsection shall be expended for communication costs,
 19 the acquisition, lease, or lease-purchase,
 20 installation, and maintenance of instructional
 21 technology equipment, including hardware and software,
 22 materials and supplies, and staff development and
 23 training, related to instructional technology.
 24 Notwithstanding section 8.33, unencumbered or
 25 unobligated funds remaining on June 30 of the fiscal
 26 year for which the funds were allocated shall not
 27 revert but shall be available for expenditure for the

28 following fiscal year for the purposes authorized in
 29 this subsection. The state hospital-schools shall
 30 each develop a technology plan that supports and
 31 improves student achievement, demonstrates the manner
 32 in which technology will be utilized to improve
 33 student achievement, and includes an evaluation
 34 component. Plans and an annual progress report shall
 35 be submitted to the departments of human services and
 36 education.

37 From the moneys appropriated in each fiscal year in
 38 subsection 1, each area education agency shall be
 39 allocated thirty thousand dollars. An area education
 40 agency may contract with an appropriate accredited
 41 institution of higher education in Iowa to provide
 42 staff development and training in accordance with
 43 section 295.3."

44 2. Page 2, by striking lines 5 and 6 and
 45 inserting the following: "fiscal year. The state
 46 board of regents shall annually certify the basic
 47 enrollment of the Price".

48 3. Page 2, by striking line 8, and inserting the
 49 following: "to the".

50 4. Page 2, line 13, by inserting after the word

Page 2

1 "district" the following: "and area education
 2 agency".

3 5. Page 2, line 16, by inserting after the word
 4 "district" the following: "and area education
 5 agency".

6 6. Page 2, lines 29 and 30, by striking the words
 7 and figure "section 257.16 to a school district" and
 8 inserting the following: "sections 257.16 and 257.35
 9 to a school district or area education agency".

10 7. Page 2, line 31, by inserting after the word
 11 "district" the following: "or area education agency".

12 8. Page 2, line 33, by inserting after the word
 13 "districts" the following: "and area education
 14 agencies".

15 9. Page 2, line 35, by inserting after the word
 16 "district" the following: "and area education
 17 agency".

18 10. Page 3, by inserting after line 29 the
 19 following:

20 "_. The state training school and the Iowa
 21 juvenile home shall each develop a technology plan
 22 that supports and improves student achievement,
 23 demonstrates the manner in which technology will be
 24 utilized to improve student achievement, and includes
 25 an evaluation component. Plans and an annual progress
 26 report shall be submitted to the department of human
 27 services.

28 ____ Each area education agency shall develop a
 29 plan to assist school districts in the development of
 30 a technology planning process to meet the purposes of
 31 this chapter. The plan shall describe the manner in
 32 which the area education agency intends to support
 33 school districts with instructional technology staff
 34 development and training. For the fiscal year
 35 beginning July 1, 1996, and ending June 30, 1997,
 36 prior to the receipt of funds, each area education
 37 agency shall provide the department of education
 38 adequate assurance that a technology plan as required
 39 under this section has been or is being developed.
 40 For the fiscal year beginning July 1, 1997, and for
 41 each succeeding fiscal year, each area education
 42 agency shall submit its plan to the department of
 43 education. The department shall approve each plan
 44 prior to the disbursement of funds."

45 11. Page 3, by inserting after line 47 the
 46 following:

47 "____. Funds received by an area education agency
 48 pursuant to section 295.2 shall be expended for the
 49 costs related to supporting school districts within
 50 the area served with technology planning and

Page 3

1 equipment, including hardware and software, materials
 2 and supplies related to instructional technology and
 3 staff development and training."

4 12. Title page, line 2, by inserting after the
 5 word "districts," the following: "area education
 6 agencies, the state hospital-schools,""

7 13. By renumbering as necessary.

GRUBBS of Scott

H-5102

1 Amend House File 2298 as follows:

2 1. By striking everything after the enacting
 3 clause.

JACOBS of Polk

H-5103

1 Amend House File 2234 as follows:

2 1. Page 1, line 10, by striking the word "is" and
 3 inserting the following: "or any or its subsidiary or
 4 parent businesses are".

5 2. Page 1, line 11, by striking the words
 6 "economic development area" and inserting the
 7 following: "state".

WEIGEL of Chickasaw

H-5105

- 1 Amend House File 2234 as follows:
- 2 1. Page 1, line 14, by striking the word "an" and
- 3 inserting the following: "a one-year".

WEIGEL of Chickasaw

H-5107

- 1 Amend the amendment, H-5074, to Senate File 2063,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 9 the
- 5 following:
- 6 " a. From moneys appropriated in subsection
- 7 1, for each fiscal year in the fiscal period beginning
- 8 July 1, 1996, and ending June 30, 1998, the sum of
- 9 thirty thousand dollars shall be allocated to the
- 10 department of human services which shall distribute
- 11 funds in the amount of fifteen thousand dollars to the
- 12 state training school, and funds in the amount of
- 13 fifteen thousand dollars to the Iowa juvenile home.
- 14 b. From moneys appropriated in subsection 1, for
- 15 each fiscal year in the fiscal period beginning July
- 16 1, 1998, and ending June 30, 2001, the amount of
- 17 moneys allocated to the state training school and the
- 18 Iowa juvenile home shall be in the proportion that the
- 19 average student yearly enrollment at each institution
- 20 as determined by the department of human services
- 21 bears to the sum of the basic enrollment of all school
- 22 districts in the state plus the average student yearly
- 23 enrollment at the state training school and the Iowa
- 24 juvenile home for the budget year. The department of
- 25 human services shall certify the average student
- 26 yearly enrollments of the state training school and
- 27 the Iowa juvenile home to the department of education
- 28 by October 1. The department of education shall
- 29 notify the department of revenue and finance of the
- 30 amount to be paid to the state training school and the
- 31 Iowa juvenile home as provided for in this paragraph.
- 32 The allocations to the state training school and the
- 33 Iowa juvenile home shall be made in one payment on or
- 34 about October 15 of the fiscal year in which the
- 35 appropriation is made, taking into consideration the
- 36 relative budget and cash position of the state
- 37 resources.
- 38 c. Payments received under this subsection shall
- 39 be expended in the manner provided for in section
- 40 295.4. Notwithstanding section 8.33, unencumbered or
- 41 unobligated funds remaining on June 30 of the fiscal
- 42 year for which the funds were allocated shall not
- 43 revert but shall be available for expenditure for the
- 44 following fiscal year for the purposes of this

45 subsection.”

46 2. Page 3, by inserting after line 29 the
47 following:

48 “3. The state training school and the Iowa
49 juvenile home shall develop a technology plan that
50 supports and improves student achievement,

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1 demonstrates the manner in which technology will be
2 utilized to improve student achievement, and includes
3 an evaluation component. Plans and an annual progress
4 report shall be submitted to the departments of human
5 services and education.”

6 3. Page 3, line 38, by inserting after the word
7 “training” the following: “related to instructional
8 technology”.

9 4. Title page, line 3, by inserting after the
10 word “deaf” the following: “, the state training
11 school, the Iowa juvenile home.”

BRUNKHORST of Bremer
TYRRELL of Iowa
SUKUP of Franklin
BRAND of Benton

H-5108

1 Amend the amendment, H-5074, to Senate File 2063,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 33, by striking the word “each”.
5 2. Page 1, by striking lines 34 and 35 and
6 inserting the following: “the fiscal year beginning
7 July 1, 1997, and for each succeeding fiscal year, the
8 sum of thirty”.

OLLIE of Clinton
COHOON of Des Moines
MASCHER of Johnson
WARNSTADT of Woodbury

BAKER of Polk
KREIMAN of Davis
NELSON of Pottawattamie

H-5111

1 Amend House File 2182 as follows:

2 1. Page 1, by inserting after line 24 the
3 following:

4 “3A. A group B streptococcus test shall not be
5 required if delivery is to be by cesarean section or
6 if other risk factors are present which require
7 intrapartum antibiotics to be administered during
8 labor or at the time of membrane rupture.”

BLODGETT of Cerro Gordo

H-5112

- 1 Amend House File 2157 as follows:
2 1. Page 1, by inserting after line 4 the
3 following:
4 "The provisions establishing English as the
5 official language of the state shall not apply:
6 1. To state employees in the oral or verbal, as
7 opposed to written, performance of government
8 business.
9 2. To instruction in foreign language classes.
10 3. To instruction designed to aid students with
11 limited English proficiency.
12 4. When deemed to interfere with the needs of the
13 judicial system.
14 5. When public health, safety, and emergency
15 services require the use of other languages.
16 6. To the promotion of international commerce and
17 tourism."
18 2. Page 2, line 6, by inserting after the word
19 "to" the following: "the regular program district
20 cost per pupil times".

Committee on Education

H-5114

- 1 Amend House File 2298 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "network" the following: ", including a managed care
4 health plan or indemnity plan organized for the
5 purpose of providing medical assistance from funds
6 available and appropriated to the department of human
7 services,".

CHURCHILL of Polk

H-5116

- 1 Amend House File 2298 as follows:
2 1. Page 2, by inserting after line 7 the
3 following:
4 "This section applies to all state regulated third-
5 party payors and to employee welfare benefit plans
6 described in 29 U.S.C. 1001 et seq."

CHURCHILL of Polk

H-5117

- 1 Amend the amendment, H-5102, to House File 2298 as
2 follows:
3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause and inserting
5 the following:"

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148, 150A, or 151, and to each
14 audiologist as defined in section 147.151, each person
15 practicing osteopathy under chapter 150, each
16 acupuncturist registered under chapter 148E, each
17 occupational therapist licensed under chapter 148B,
18 each podiatrist licensed under chapter 149, each
19 registered or practical nurse licensed under chapter
20 152, each dietician licensed under chapter 152A, each
21 respiratory care practitioner licensed under chapter
22 152B, each massage therapist licensed under chapter
23 152C, each person engaged in the practice of optometry
24 pursuant to chapter 154, each hearing aid dealer
25 licensed under chapter 154A, each person engaged in
26 the practice of psychology subject to regulation under
27 chapter 154B, each person engaged in the practice of
28 licensed social work subject to regulation under
29 chapter 154C, each marital and family therapist
30 licensed under chapter 154D, and each pharmacist
31 licensed under chapter 155A. Such direct access to a
32 physician licensed under chapter 151 shall not be
33 conditioned upon a referral by a provider licensed
34 under another chapter. Access to a specialist may be
35 conditioned upon a referral by a primary care provider
36 licensed under chapter 148, 150A, or 151, or a primary
37 care provider who is an audiologist as defined in
38 section 147.151, a person engaged in the practice of
39 osteopathy under chapter 150, an acupuncturist
40 registered under chapter 148E, an occupational
41 therapist licensed under chapter 148B, a podiatrist
42 licensed under chapter 149, a registered or practical
43 nurse licensed under chapter 152, dietician licensed
44 under chapter 152A, a respiratory care practitioner
45 licensed under chapter 152B, a massage therapist
46 licensed under chapter 152C, a person engaged in the
47 practice of optometry pursuant to chapter 154, a
48 hearing aid dealer licensed under chapter 154A, a
49 person engaged in the practice of psychology and
50 regulated under chapter 154B, a person engaged in the

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1 practice of licensed social work and regulated under
2 chapter 154C, a marital and family therapist licensed
3 under chapter 154D, a pharmacist licensed under
4 chapter 155A. If a primary care provider determines
5 that a referral should be made to a provider licensed,

6 registered, or otherwise regulated under another
 7 chapter, a managed care health plan or indemnity plan
 8 with a limited provider network may require that the
 9 referral be made first to a provider designated by the
 10 plan. Any copayment deductible, cost containment
 11 mechanism, or premium rate shall not discriminate
 12 directly or indirectly upon the basis of the license
 13 held by the provider. Access to a specialist may be
 14 subject to a different copayment or deductible than
 15 access to a primary care provider. Access to a
 16 nonparticipating provider may be restricted or may be
 17 subject to different copayments, deductibles, or
 18 premium rates, or may be excluded, provided that a
 19 plan shall not differentiate or exclude a provider
 20 directly or indirectly upon the basis of the license
 21 held by the provider.

22 Each plan must demonstrate that it is capable of
 23 serving appropriately the needs of the subscriber
 24 population in the service area of the plan with regard
 25 to patient access to each type of provider. The
 26 commissioner of insurance shall adopt rules as
 27 necessary to administer this paragraph.

28 For purposes of this section, "managed care health
 29 plan or indemnity plan with a limited provider
 30 network" means a health maintenance organization,
 31 organized delivery system, accountable health plan,
 32 health care insurance plan which limits the number of
 33 health care providers who can provide services under
 34 the plan, preferred provider organization, exclusive
 35 provider organization, restricted access network, or
 36 similar health-care plan."

37 2. Title page, line 3, by striking the word
 38 "physicians" and inserting the following:
 39 "providers".

DISNEY of Polk

H-5118

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:"

6 "Section 1. **NEW SECTION. 514C.11 PATIENT ACCESS**
 7 **TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN**
 8 **OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.**

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 audiologist as defined in section 147.151, each person
 15 practicing osteopathy under chapter 150, each

16 acupuncturist registered under chapter 148E, each
17 occupational therapist licensed under chapter 148B,
18 each podiatrist licensed under chapter 149, each
19 registered or practical nurse licensed under chapter
20 152, each dietician licensed under chapter 152A, each
21 respiratory care practitioner licensed under chapter
22 152B, each massage therapist licensed under chapter
23 152C, each person engaged in the practice of optometry
24 pursuant to chapter 154, each hearing aid dealer
25 licensed under chapter 154A, each person engaged in
26 the practice of psychology subject to regulation under
27 chapter 154B, each person engaged in the practice of
28 licensed social work subject to regulation under
29 chapter 154C, each marital and family therapist
30 licensed under chapter 154D, and each pharmacist
31 licensed under chapter 155A. Such direct access to a
32 physician licensed under chapter 151 shall not be
33 conditioned upon a referral by a provider licensed
34 under another chapter. Access to a specialist may be
35 conditioned upon a referral by a primary care provider
36 licensed under chapter 148, 150A, or 151, or a primary
37 care provider who is an audiologist as defined in
38 section 147.151, a person engaged in the practice of
39 osteopathy under chapter 150, an acupuncturist
40 registered under chapter 148E, an occupational
41 therapist licensed under chapter 148B, a podiatrist
42 licensed under chapter 149, a registered or practical
43 nurse licensed under chapter 152, dietician licensed
44 under chapter 152A, a respiratory care practitioner
45 licensed under chapter 152B, a massage therapist
46 licensed under chapter 152C, a person engaged in the
47 practice of optometry pursuant to chapter 154, a
48 hearing aid dealer licensed under chapter 154A, a
49 person engaged in the practice of psychology and
50 regulated under chapter 154B, a person engaged in the

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1 practice of licensed social work and regulated under
2 chapter 154C, a marital and family therapist licensed
3 under chapter 154D, a pharmacist licensed under
4 chapter 155A. If a primary care provider determines
5 that a referral should be made to a provider licensed,
6 registered, or otherwise regulated under another
7 chapter, a managed care health plan or indemnity plan
8 with a limited provider network may require that the
9 referral be made first to a provider designated by the
10 plan. Any copayment deductible, cost containment
11 mechanism, or premium rate shall not discriminate
12 directly or indirectly upon the basis of the license
13 held by the provider. Access to a specialist may be
14 subject to a different copayment or deductible than
15 access to a primary care provider. Access to a

16 nonparticipating provider may be restricted or may be
17 subject to different copayments, deductibles, or
18 premium rates, or may be excluded, provided that a
19 plan shall not differentiate or exclude a provider
20 directly or indirectly upon the basis of the license
21 held by the provider.

22 Each plan must demonstrate that it is capable of
23 serving appropriately the needs of the subscriber
24 population in the service area of the plan with regard
25 to patient access to each type of provider. The
26 commissioner of insurance shall adopt rules as
27 necessary to administer this paragraph.

28 For purposes of this section, "managed care health
29 plan or indemnity plan with a limited provider
30 network" means a health maintenance organization,
31 organized delivery system, accountable health plan,
32 health care insurance plan which limits the number of
33 health care providers who can provide services under
34 the plan, preferred provider organization, exclusive
35 provider organization, restricted access network, or
36 similar health-care plan. For purposes of this
37 section, "specialist" includes a physician who
38 provides treatment for allergies, abdominal surgery,
39 adolescent medicine, allergy and immunology, aerospace
40 medicine, anesthesiology, broncho-esophagology,
41 critical care medicine, cardiovascular diseases,
42 cardiovascular surgery, child neurology, child
43 psychiatry, clinical pathology, colon and rectal
44 surgery, dermatology, diabetes, dermatopathology,
45 diagnostic radiology, emergency medicine,
46 endocrinology, forensic pathology, family practice,
47 gastroenterology, geriatrics, general practice,
48 general preventive medicine, general surgery,
49 gynecology, hematology, head and neck surgery, hand
50 surgery, hypnosis, infectious diseases, immunology,

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1 internal medicine, laryngology, maxillofacial surgery,
2 neurology, neuropathology, neoplastic diseases,
3 nephrology, nuclear medicine, neonatal-perinatal
4 medicine, nuclear radiology, neurological surgery,
5 nutrition, obstetrics and gynecology, obstetrics,
6 occupational medicine, oncology, ophthalmology,
7 orthopedic surgery, otology, otolaryngology,
8 psychiatry, clinical pharmacology, pediatrics,
9 pediatric allergy, pediatric cardiology, pediatric
10 endocrinology, pediatric radiology, pediatric surgery,
11 pediatric hematology-oncology, pediatric nephrology,
12 physical medicine and rehabilitation, plastic surgery,
13 facial plastic surgery, pathology, pulmonary diseases,
14 psychoanalysis, psychosomatic medicine, radiology,
15 rhinology, rheumatology, radioisotopic pathology,

16 radiation oncology, therapeutic radiology, traumatic
 17 surgery, thoracic surgery, urological surgery,
 18 vascular surgery, or any other recognized physician
 19 specialty.””

20 2. Title page, line 3, by striking the word
 21 “physicians” and inserting the following:
 22 “providers”.

DISNEY of Polk

H-5120

1 Amend House File 2190 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 “Section 1. Section 331.302, subsections 7, 8, and
 5 10, Code 1995, are amended to read as follows:

6 7. A resolution becomes effective upon passage and
 7 an ordinance or amendment becomes a law when a summary
 8 of the ordinance or the complete text of the ordinance
 9 is published, unless a subsequent effective date is
 10 provided within the measure. As used in this
 11 paragraph, “summary” shall mean a narrative
 12 description of the terms and conditions of an
 13 ordinance setting forth the main points of the
 14 ordinance in a manner calculated to inform the public
 15 in a clear and understandable manner the meaning of
 16 the ordinance and which shall provide the public with
 17 sufficient notice to conform to the desired conduct
 18 required by the ordinance. The description shall
 19 include the title of the ordinance, an accurate and
 20 intelligible abstract or synopsis of the essential
 21 elements or the ordinance, a statement that the
 22 description is a summary, the location and the normal
 23 business hours of the office where the ordinance may
 24 be inspected, when the ordinance becomes effective,
 25 and the full text of any provisions imposing fines,
 26 penalties, forfeitures, fees, or taxes. Legal
 27 descriptions of property set forth in ordinances shall
 28 be described in full, provided that maps or charts may
 29 be substituted for legal descriptions when they
 30 contain sufficient detail to clearly define the area
 31 with which the ordinance is concerned. The narrative
 32 description shall be written in a clear and coherent
 33 manner and shall, to the extent possible, avoid the
 34 use of technical or legal terms not generally familiar
 35 to the public. When necessary to use technical or
 36 legal terms not generally familiar to the public, the
 37 narrative description shall include definitions of
 38 those terms.

39 8. The auditor shall promptly record each measure,
 40 publish a summary of all ordinances or a complete text
 41 of the ordinances and amendments as provided in
 42 section 331.305, authenticate all measures except

43 motions with signature and certification as to time
44 and manner of publication, if any, and maintain for
45 public use copies of all effective ordinances and
46 codes. A copy of the complete text of an ordinance or
47 amendment shall also be available for distribution to
48 the public at the office of the county auditor. The
49 auditor's certification is presumptive evidence of the
50 facts stated therein.

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1 10. The compensation paid to a newspaper for a
2 publication required by this section shall not exceed
3 ~~three-fourths~~ of the fee provided in section 618.11.
4 The compensation paid to a newspaper for publication
5 of the complete text of an ordinance shall not exceed
6 three-fourths of the fee provided in section 618.11."

7 2. Page 1, by inserting before line 1 the
8 following:

9 "Sec. ____ Section 380.7, subsection 2, Code 1995,
10 is amended to read as follows:

11 2. Publish a summary of all ordinances or the
12 complete text of ordinances and amendments in the
13 manner provided in section 362.3. As used in this
14 paragraph, "summary" shall mean a narrative
15 description of the terms and conditions of an
16 ordinance setting forth the main points of the
17 ordinance in a manner calculated to inform the public
18 in a clear and understandable manner the meaning of
19 the ordinance and which shall provide the public with
20 sufficient notice to conform to the desired conduct
21 required by the ordinance. The description shall
22 include the title of the ordinance, an accurate and
23 intelligible abstract or synopsis of the essential
24 elements or the ordinance, a statement that the
25 description is a summary, the location and the normal
26 business hours of the office where the ordinance may
27 be inspected, when the ordinance becomes effective,
28 and the full text of any provisions imposing fines,
29 penalties, forfeitures, fees, or taxes. Legal
30 descriptions of property set forth in ordinances shall
31 be described in full, provided that maps or charts may
32 be substituted for legal descriptions when they
33 contain sufficient detail to clearly define the area
34 with which the ordinance is concerned. The narrative
35 description shall be written in a clear and coherent
36 manner and shall, to the extent possible, avoid the
37 use of technical or legal terms not generally familiar
38 to the public. When necessary to use technical or
39 legal terms not generally familiar to the public, the
40 narrative description shall include definitions of
41 those terms."

42 3. Page 1, by inserting before line 1 the

43 following:

44 "Sec. ____ Section 380.9, Code 1995, is amended to
45 read as follows:

46 380.9 FEE FOR PUBLICATION.

47 The compensation paid to a newspaper for any
48 publication required by this chapter may not exceed
49 ~~three-fourths~~ of the fee provided in section 618.11.
50 The compensation paid to a newspaper for publication

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1 of the complete text of an ordinance shall not exceed

2 three-fourths of the fee provided in section 618.11."

3 4. Title page, line 1, by striking the words
4 "setting the compensation for" and inserting the
5 following: "the".

6 5. Title page, line 2, by striking the word
7 "notices" and inserting the following: "notices,
8 ordinances, and amendments".

9 6. By renumbering as necessary.

BRADLEY of Clinton
VANDE HOEF of Osceola

H-5121

1 Amend Senate File 2154 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 18 the
4 following:

5 "Sec. ____ Section 124.401A, Code 1995, is amended
6 to read as follows:

7 124.401A ENHANCED PENALTY FOR DISTRIBUTION TO
8 PERSONS ON CERTAIN REAL PROPERTY.

9 In addition to any other penalties provided in this
10 chapter, a person who is eighteen years of age or
11 older who unlawfully distributes or possesses with
12 intent to distribute a substance or counterfeit
13 substance listed in schedule I, II, or III, or a
14 simulated controlled substance represented to be a
15 controlled substance classified in schedule I, II, or
16 III, to another person who is eighteen years of age or
17 older in or on, or within one thousand feet of the
18 real property comprising a public or private
19 elementary or secondary school, ~~or in or on the real~~
20 ~~property comprising a public park, public swimming~~
21 ~~pool, public recreation center, or on a marked school~~
22 ~~bus, may, at the judge's discretion, be sentenced up~~
23 ~~to an additional term of confinement of five years.~~

24 Sec. ____ Section 124.401B, Code 1995, is amended
25 to read as follows:

26 124.401B POSSESSION OF CONTROLLED SUBSTANCES ON
27 CERTAIN REAL PROPERTY — ADDITIONAL PENALTY.

28 In addition to any other penalties provided in this

- 29 chapter or another chapter, a person who unlawfully
 30 possesses a substance listed in schedule I, II, or
 31 III, or a simulated controlled substance represented
 32 to be a controlled substance classified in schedule I,
 33 II, or III, in or on, or within one thousand feet of
 34 the real property comprising a public or private
 35 elementary or secondary school, ~~or in or on the real~~
 36 ~~property comprising a public park, public swimming~~
 37 pool, public recreation center, or on a marked school
 38 bus, may be sentenced to one hundred hours of
 39 community service work for a public agency or a
 40 nonprofit charitable organization. The court shall
 41 provide the offender with a written statement of the
 42 terms and monitoring provisions of the community
 43 service.”
- 44 2. Title page, line 2, by inserting after the
 45 word “methamphetamine” the following: “and expanding
 46 the types of real property within one thousand feet of
 47 which a person who unlawfully possesses a substance is
 48 subject to an increased penalty”.
- 49 3. By renumbering as necessary.

DISNEY of Polk

H-5125

- 1 Amend House File 2157 as follows:
 2 1. Page 1, by striking lines 1 through 4.
 3 2. Title page, by striking lines 1 and 2 and
 4 inserting the following: “An Act providing limited
 5 English”.
- 6 3. By renumbering as necessary.

OLLIE of Clinton

H-5126

- 1 Amend House Concurrent Resolution 105, as amended,
 2 passed, and reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 19 the
 4 following:
 5 “ 1993-present”.
- 6 2. Page 5, line 11, by inserting after the name
 7 “Hammitt” the following: “Barry”.
- 8 3. Page 5, line 17, by striking the word
 9 “represented” and inserting the following: “have
 10 represented and continue to represent”.
- 11 4. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

Senate Amendment

H-5128

- 1 Amend House File 452 as follows:

2 1. Page 1, by striking lines 3 through 34 and
3 inserting the following:
4 "NEW SUBSECTION. 4. AWARD OF ATTORNEY FEES AND
5 COSTS.

6 a. For the purposes of this subsection, unless the
7 context otherwise requires:

8 (1) "Eligible party" means a party in a proceeding
9 before the appeal board that is a sole proprietorship,
10 partnership, corporation, association, unit or
11 division of government, or public or private
12 organization with a net worth of not more than seven
13 million dollars and not more than five hundred
14 employees, a cooperative association or charitable
15 organization with no more than five hundred employees,
16 or an individual with a net worth of not more than two
17 million dollars.

18 (2) "Prevailing party" means an eligible party
19 which establishes that the party has substantially
20 prevailed with the amount in controversy or has
21 substantially prevailed with respect to the most
22 significant issue or set of issues presented and has
23 established that another party's position was not
24 substantially justified. The determination as to
25 whether a party is a prevailing party is to be
26 determined in accordance with chapter 17A.

27 b. The appeal board may award a prevailing party
28 in an administrative hearing reasonable litigation
29 costs not to exceed twenty-five thousand dollars per
30 contested case by the appeal board based on the
31 following:

32 (1) The reasonable expenses of expert witnesses.

33 (2) The reasonable costs of studies, reports, and
34 tests.

35 (3) The reasonable fees of attorneys.

36 However, litigation costs do not include any costs
37 prior to the filing of a notice of contest pursuant to
38 this section.

39 c. The appeal board, in its discretion, may reduce
40 or deny the amount to be awarded pursuant to this
41 subsection to the extent the prevailing party during
42 the course of the proceedings engaged in conduct which
43 unduly and unreasonably protracted the final
44 resolution of the matter in controversy. An award
45 shall not be made in the case of a settlement or for
46 issues which have been settled.

47 d. A party seeking an award of litigation costs
48 shall, within thirty days of a final adjudication,
49 submit to the appeal board an application which shows
50 the applicant is a prevailing party and is eligible to

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1 receive an award under this subsection, and the amount

2 sought, including an itemized statement from any
 3 attorney, agent, or expert witness representing or
 4 appearing in behalf of the applicant stating the
 5 actual time expended and the rate at which fees and
 6 other expenses were computed. The applicant shall
 7 also allege that the position of the opposing party
 8 was not substantially justified. When a party appeals
 9 the underlying merits of an adversary adjudication, no
 10 decision on an application for litigation costs in
 11 connection with the adversary adjudication shall be
 12 made under this subsection until a final and
 13 unreviewable decision is rendered by the board or a
 14 court on the appeal or until the underlying merits of
 15 the case have been finally determined pursuant to the
 16 appeal.

17 e. The decision of the appeal board to award
 18 litigation costs shall provide reasons for the award
 19 made, and is subject to appeal in accordance with
 20 section 17A.15."

21 2. Title page, by striking lines 3 and 4 and
 22 inserting the following: "under the law."

Committee on Labor and Industrial Relations

H-5130

1 Amend House File 2298 as follows:

- 2 1. Page 1, by striking lines 7 and 8 and
- 3 inserting the following: "licensed under either
- 4 chapter 148 or 150A, and to a chiropractor licensed
- 5 under chapter 151. Such direct access to a
- 6 chiropractor licensed under".

DISNEY of Polk

H-5132

1 Amend House File 2298 as follows:

- 2 1. Page 1, line 7, by striking the figures "148,
- 3 150A," and inserting the following: "148 or 150A."
- 4 2. Page 1, by striking lines 8 through 10 and
- 5 inserting the following: "Access to a".
- 6 3. Page 1, by striking lines 12 through 17 and
- 7 inserting the following: "care provider physician
- 8 licensed under chapter 148 or 150A. Any".
- 9 4. Page 2, line 7, by striking the word and
- 10 figures "148, 150A, or 151" and inserting the
- 11 following: "148 or 150A".
- 12 5. Page 2, by inserting after line 7 the
- 13 following:
- 14 "Sec. ____ Section 509.3, subsection 7, Code 1995,
- 15 is amended by striking the subsection.
- 16 Sec. ____ Section 514.7, unnumbered paragraph 4,
- 17 Code 1995, is amended by striking the paragraph.
- 18 Sec. ____ Section 514B.1, subsection 5, paragraph

19 d, Code 1995, is amended by striking the paragraph.”
 20 6. Renumber as necessary.

METCALF of Polk

H-5134

1 Amend House File 2396 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 “Section 1. Section 312.2, Code 1995, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 22. The treasurer of state,
 7 before making the allotments provided for in
 8 subsection 2, shall reduce the amount of the allotment
 9 by the amount of moneys retained by the counties
 10 pursuant to section 321.179, subsection 4, and the
 11 amount of moneys the state department of
 12 transportation expends to provide the counties with
 13 the supplies, materials and equipment necessary for
 14 issuance of motor vehicle licenses.”
 15 2. Page 1, line 2, by striking the word
 16 “subsection” and inserting the following:
 17 “subsections”.
 18 3. Page 1, by inserting after line 8, the
 19 following:
 20 “NEW SUBSECTION. 4. Counties authorized to issue
 21 licenses under this section may retain for deposit in
 22 the county general fund, up to five dollars for each
 23 motor vehicle license transaction conducted pursuant
 24 to this section.”
 25 4. Page 2, line 4, by inserting after the word
 26 “subsection.” the following: “All costs incurred by
 27 the state department of transportation for carrying
 28 out the provisions of this subsection shall be
 29 deducted from the counties’ secondary road fund
 30 allotments in accordance with section 312.2,
 31 subsection 22.”
 32 5. Page 2, line 21, by inserting after the word
 33 “devices.” the following: “The amount of moneys
 34 retained by a county pursuant to this subsection shall
 35 be deducted from the county’s allotment of secondary
 36 road fund moneys in accordance with 312.2, subsection
 37 22.”

BRADLEY of Clinton

H-5135

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:
 3 1. Page 1, line 3, by striking the word “clause.”
 4 and inserting the following: “clause and inserting
 5 the following:
 6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS

7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 1. Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network may limit patient access to each type of
12 physician, as defined in section 135.1 and licensed
13 under chapter 148, 150A, or 151, based upon the needs
14 of the plan.

15 2. For the purposes of this section, "managed care
16 health plan or indemnity plan with a limited provider
17 network" means a health maintenance organization,
18 organized delivery system, accountable health plan,
19 health care insurance plan which limits the number of
20 licensed physicians who can provide services under the
21 plan, preferred provider organization, exclusive
22 provider organization, restricted access network, or
23 similar health-care plan."

CARROLL of Poweshiek

H-5138

1 Amend House File 2157 as follows:
2 1. Page 2, line 33, by inserting after the word
3 "subsection." the following: "Any moneys in this
4 appropriation shall not be used for collective
5 bargaining purposes."

MEYER of Sac

H-5139

1 Amend House File 2416 as follows:
2 1. Page 24, by inserting after line 20 the
3 following:
4 "Sec. ____ Section 7E.6, subsection 1, paragraph
5 a, Code 1995, is amended to read as follows:
6 a. Any position of membership on any board,
7 committee, commission, or council in the executive
8 branch of state government which is compensated by the
9 payment of a per diem to the holder of that position
10 under statutory law shall be compensated at the rate
11 of fifty sixty dollars per diem, notwithstanding any
12 other law to the contrary.
13 Sec. ____ Section 7E.6, subsections 2 and 3, Code
14 1995, are amended to read as follows:
15 2. Any position of membership on any board,
16 committee, commission, or council in the state
17 government which has a compensation level limited to
18 expenses only is eligible to receive, in addition to
19 such actual expense reimbursement, an additional
20 expense allowance of fifty sixty dollars per day if
21 the holder of any such position applies for such
22 additional expense allowance and the holder of the
23 position has an income level of one hundred fifty

24 percent or less of the United States poverty level as
 25 defined by the most recently revised poverty income
 26 guidelines published by the United States department
 27 of health and human services.
 28 3. Any position of membership on the lottery board
 29 shall receive compensation of ~~fifty~~ sixty dollars per
 30 day and expenses."

O'BRIEN of Boone

H-5140

1 Amend House File 2416 as follows:
 2 1. Page 24, by inserting after line 20 the
 3 following:
 4 "Sec. ____ Section 7E.6, subsection 1, paragraph
 5 a, Code 1995, is amended to read as follows:
 6 a. Any position of membership on any board,
 7 committee, commission, or council in the executive
 8 branch of state government which is compensated by the
 9 payment of a per diem to the holder of that position
 10 under statutory law shall be compensated at the rate
 11 of ~~fifty eighty-six~~ dollars per diem, notwithstanding
 12 any other law to the contrary.
 13 Sec. ____ Section 7E.6, subsections 2 and 3, Code
 14 1995, are amended to read as follows:
 15 2. Any position of membership on any board,
 16 committee, commission, or council in the state
 17 government which has a compensation level limited to
 18 expenses only is eligible to receive, in addition to
 19 such actual expense reimbursement, an additional
 20 expense allowance of ~~fifty eighty-six~~ dollars per day
 21 if the holder of any such position applies for such
 22 additional expense allowance and the holder of the
 23 position has an income level of one hundred fifty
 24 percent or less of the United States poverty level as
 25 defined by the most recently revised poverty income
 26 guidelines published by the United States department
 27 of health and human services.
 28 3. Any position of membership on the lottery board
 29 shall receive compensation of ~~fifty~~ eighty-six dollars
 30 per day and expenses."

O'BRIEN of Boone

H-5142

1 Amend House File 2199 as follows:
 2 1. Page 1, line 7, by striking the words "a first
 3 step in".
 4 2. Page 1, by striking line 8 and inserting the
 5 following: "assistance in which churches, synagogues,
 6 mosques, and other religious or charitable".
 7 3. Page 1, line 9, by striking the word
 8 "reassume" and inserting the following: "assume

9 greater”.

10 4. Page 1, line 16, by inserting after the word
11 “waiver” the following: “or waivers”.

12 5. Page 1, line 19, by inserting after the word
13 “waiver.” the following: “The initiative shall be
14 operated as a pilot project in a rural county and an
15 urban county to serve a total of not more than two
16 hundred families. Further expansion of the initiative
17 is subject to authorization by law.”

18 6. Page 2, line 8, by inserting after the word
19 “agreement.” the following: “The department shall
20 consider all of the following criteria in assessing an
21 organization’s ability to implement the initiative and
22 shall include the criteria in any agreement under the
23 initiative:

24 a. Support provided by the organization to either
25 enhance the ability of a recipient family to obtain or
26 maintain employment or promote family stability.

27 b. The manner in which the impact and result of
28 the support will be measured and reported to the
29 department.

30 c. The comparability of forms of support provided
31 by an organization, which are already available under
32 public assistance, to the public assistance support.

33 d. If support provided by an organization includes
34 a service which is subject to standards, the
35 applicability of the standards to the service provided
36 by the organization.”

37 7. Page 2, line 27, by inserting after the word
38 “organization.” the following: “A recipient shall not
39 be required to participate in any religious practice
40 or instruction or other activity incorporated into
41 support provided under the initiative which is not the
42 central purpose of the support.”

43 8. Page 4, line 11, by inserting after the word
44 “funds” the following: “to the department or”.

45 9. Page 4, by striking line 18 and inserting the
46 following: “shall consult with the office of the
47 attorney general in developing appropriate sanction
48 provisions for recommendations to the general assembly
49 which may include but are not limited to civil
50 penalties.”

Page 2

1 10. Page 4, by inserting before line 19 the
2 following:

3 “c. Provisions detailing the department’s
4 selection process for organizations in accordance with
5 the provisions of subsection 3.”

6 11. By renumbering, relettering, or redesignating
7 and correcting internal references as necessary.

H-5143

- 1 Amend House File 2272 as follows:
- 2 1. Page 1, by striking lines 5 through 8 and
- 3 inserting the following: "guardian" also means a
- 4 parent or other person responsible for the care of the
- 5 minor, including but not limited to an individual or
- 6 agency licensed to provide child foster care under
- 7 chapter 237 with which the minor has been placed."

Committee on Human Resources

H-5144

- 1 Amend House File 2285 as follows:
- 2 1. Page 1, line 3, by inserting before the word
- 3 "If" the following: "For the purposes of this
- 4 subsection, "crime" means a criminal offense involving
- 5 a child under chapter 709, 709A, 710, 725, 726, or
- 6 728."
- 7 2. Page 1, by striking lines 9 and 10 and
- 8 inserting the following: "providing child day care
- 9 under this chapter who is not registered or licensed."
- 10 3. Page 1, line 12 by striking the words "child
- 11 day care facility" and inserting the following:
- 12 "family day care home".
- 13 4. Page 1, line 14, by striking the word
- 14 "facility" and inserting the following: "home".
- 15 5. Page 1, line 17, by striking the word
- 16 "facility" and inserting the following: "home".
- 17 6. Page 1, lines 19 and 20, by striking the words
- 18 "or facility owner or operator".
- 19 7. Page 1, line 22, by striking the words "or
- 20 owner or operator".
- 21 8. Page 1, line 25, by striking the words "or
- 22 owner or operator".

Committee on Human Resources

H-5145

- 1 Amend House File 2024 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "council" the following: ", and in the case of a
- 4 dismissal, a marshal or chief of police shall be
- 5 dismissed only after good cause has been shown".

KREMER of Buchanan

H-5148

- 1 Amend House File 2235 as follows:
- 2 1. Page 3, by striking lines 22 and 23.
- 3 2. By striking page 3, line 24, through page 4,
- 4 line 24.
- 5 3. Page 4, line 27, by inserting after the figure

- 6 "523H.6," the following: "subsection 1,"
- 7 4. Page 4, by striking line 29.
- 8 5. Page 6, lines 7 and 8, by striking the words
- 9 "~~franchisee franchisor~~" and inserting the following:
- 10 "franchisee".
- 11 6. By striking page 6, line 30, through page 7,
- 12 line 28.
- 13 7. Page 8, by striking lines 5 and 6 and
- 14 inserting the following: "capricious when compared to
- 15 the actions of the franchisor in other similar
- 16 circumstances. The burden of proof of showing".
- 17 8. Page 10, by striking lines 15 through 35.
- 18 9. Page 12, by striking lines 8 through 15.
- 19 10. By renumbering as necessary.

KREMER of Buchanan

H-5151

- 1 Amend House File 2084 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 257.50 TRANSPORTATION
- 5 ASSISTANCE AID TO DISTRICTS.
- 6 1. The department shall pay transportation
- 7 assistance aid to a school district from funds as
- 8 provided in this section to school districts whose
- 9 average transportation costs per pupil exceed the
- 10 state average transportation costs per pupil
- 11 determined under subsection 2 by twenty-five percent.
- 12 2. A district's average transportation costs per
- 13 pupil shall be determined by dividing the district's
- 14 actual cost for all children transported in all school
- 15 buses for a school year pursuant to section 285.1,
- 16 subsection 12, less the amount received for
- 17 transporting nonpublic school pupils under section
- 18 285.1, by the district's actual enrollment for the
- 19 school year, excluding the shared-time enrollment for
- 20 the school year as defined in section 257.6. The
- 21 state average transportation costs per pupil shall be
- 22 determined by dividing the total actual costs for all
- 23 children transported in all districts for a school
- 24 year, by the total of all districts' actual
- 25 enrollments for the school year.
- 26 3. To be eligible for transportation assistance
- 27 aid, a school district shall annually certify its
- 28 actual cost for all children transported in all school
- 29 buses not later than July 31 after each school year on
- 30 forms prescribed by the department of education.
- 31 4. If a school district's average transportation
- 32 costs per pupil exceed the state average
- 33 transportation costs per pupil by twenty-five percent,
- 34 the department of education shall pay transportation
- 35 assistance aid equal to the amount of the difference

36 multiplied by the district's actual enrollment for the
 37 school year excluding the shared-time enrollment for
 38 the school year as defined in section 257.6.
 39 5. There is appropriated from the general fund of
 40 the state to the department of education, for each
 41 fiscal year, an amount necessary to pay transportation
 42 assistance aid pursuant to this section.
 43 Transportation assistance aid is miscellaneous income
 44 for purposes of chapter 257."
 45 2. Title page, by striking lines 1 through 3 and
 46 inserting the following: "An Act relating to
 47 transportation assistance aid to a school district and
 48 making an appropriation."

Committee on Education

H-5167

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:
 3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:
 6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
 9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 audiologist as defined in section 147.151, each person
 15 practicing osteopathy under chapter 150, each
 16 acupuncturist registered under chapter 148E, each
 17 occupational therapist licensed under chapter 148B,
 18 each podiatrist licensed under chapter 149, each
 19 registered or practical nurse licensed under chapter
 20 152, each dietician licensed under chapter 152A, each
 21 respiratory care practitioner licensed under chapter
 22 152B, each massage therapist licensed under chapter
 23 152C, each person engaged in the practice of optometry
 24 pursuant to chapter 154, each hearing aid dealer
 25 licensed under chapter 154A, each person engaged in
 26 the practice of psychology subject to regulation under
 27 chapter 154B, each person engaged in the practice of
 28 licensed social work subject to regulation under
 29 chapter 154C, each marital and family therapist
 30 licensed under chapter 154D, and each pharmacist
 31 licensed under chapter 155A. Such direct access to a
 32 physician licensed under chapter 151 shall not be
 33 conditioned upon a referral by a provider licensed
 34 under another chapter. Access to a specialist may be
 35 conditioned upon a referral by a primary care provider
 36 licensed under chapter 148 or 150A, or a primary care

37 provider who is an audiologist as defined in section
 38 147.151, a person engaged in the practice of
 39 osteopathy under chapter 150, an acupuncturist
 40 registered under chapter 148E, an occupational
 41 therapist licensed under chapter 148B, a podiatrist
 42 licensed under chapter 149, a registered or practical
 43 nurse licensed under chapter 152, dietician licensed
 44 under chapter 152A, a respiratory care practitioner
 45 licensed under chapter 152B, a massage therapist
 46 licensed under chapter 152C, a person engaged in the
 47 practice of optometry pursuant to chapter 154, a
 48 hearing aid dealer licensed under chapter 154A, a
 49 person engaged in the practice of psychology and
 50 regulated under chapter 154B, a person engaged in the

Page 2

1 practice of licensed social work and regulated under
 2 chapter 154C, a marital and family therapist licensed
 3 under chapter 154D, a pharmacist licensed under
 4 chapter 155A. If a primary care provider determines
 5 that a referral should be made to a provider licensed,
 6 registered, or otherwise regulated under another
 7 chapter, a managed care health plan or indemnity plan
 8 with a limited provider network may require that the
 9 referral be made first to a provider designated by the
 10 plan. Access to a specialist may be subject to a
 11 different copayment or deductible than access to a
 12 primary care provider. Access to a nonparticipating
 13 provider may be restricted or may be subject to
 14 different copayments, deductibles, or premium rates,
 15 or may be excluded.

16 For purposes of this section, "managed care health
 17 plan or indemnity plan with a limited provider
 18 network" means a health maintenance organization,
 19 organized delivery system, accountable health plan,
 20 health care insurance plan which limits the number of
 21 health care providers who can provide services under
 22 the plan, preferred provider organization, exclusive
 23 provider organization, restricted access network, or
 24 similar health-care plan."

25 2. Title page, line 3, by striking the word
 26 "physicians" and inserting the following:
 27 "providers".

GRUNDBERG of Polk

H-5168

1 Amend the amendment, H-5155, to House File 2397 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "_. Page 7, line 15, by striking the word and

- 6 figures "July 1, 1996" and inserting the following:
- 7 "the effective date of this Act".
- 8 2. Page 1, by inserting after line 3 the
- 9 following:
- 10 "_. Page 7, lines 18 and 19, by striking the
- 11 word and figures "July 1, 1996" and inserting the
- 12 following: "the effective date of this Act".
- 13 _ Page 7, by inserting after line 22 the
- 14 following:
- 15 "Sec. __. EFFECTIVE DATE. This Act, being deemed
- 16 of immediate importance, takes effect upon enactment."
- 17 _ Title page, line 1, by inserting after the
- 18 word "investments" the following: "and establishing
- 19 an effective date".
- 20 _ By renumbering as necessary."

METCALF of Polk

H-5169

- 1 Amend House File 2401 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 483A.1, subsection 1, Code
- 5 Supplement 1995, is amended by adding the following
- 6 new lettered paragraph:
- 7 NEW LETTERED PARAGRAPH. e. Lifetime license for legal
- 8 residents permanently disabled or sixty-five years of age or
- 9 older \$ 25.00
- 10 Sec. 2. Section 483A.1, subsection 2, Code
- 11 Supplement 1995, is amended by adding the following
- 12 new lettered paragraph:
- 13 NEW LETTERED PARAGRAPH. g. Lifetime hunting license for
- 14 legal residents permanently disabled or sixty-five years of
- 15 age or older \$ 25.00
- 16 Sec. 3. Section 483A.1, subsection 3, Code
- 17 Supplement 1995, is amended to read as follows:
- 18 3. Hunting and fishing combined licenses:
- 19 a. Legal residents except as otherwise
- 20 provided \$ 23.00
- 21 b. Lifetime license for residents permanently
- 22 disabled or sixty-five years of age or older 50.00".
- 23 2. Title page, line 1, by inserting after the
- 24 word "of" the following: "lifetime hunting and
- 25 fishing licenses and combined lifetime hunting and
- 26 fishing licenses to certain residents and disabled
- 27 persons, and".
- 28 3. By renumbering as necessary.

ERTL of Dubuque
KREMER of Buchanan

H-5174

- 1 Amend House File 2087 as follows:
- 2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 476.1A, Code 1995, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 7. Purchase of electricity from
7 alternate energy production facilities as required in
8 sections 476.41 through 476.45.

9 Sec. 2. Section 476.1A, unnumbered paragraph 3,
10 Code 1995, is amended to read as follows:

11 However, sections 476.20, 476.21, ~~476.41 through~~
12 ~~476.44~~, 476.51, 476.56, 476.62, and 476.66 and
13 chapters 476A and 478, to the extent applicable, apply
14 to such electric utilities.

15 Sec. 3. Section 476.1B, subsection 1, paragraph g,
16 Code 1995, is amended by striking the paragraph and
17 inserting in lieu thereof the following:

18 g. Purchase of electricity from alternate energy
19 production as required in sections 476.41 through
20 476.45.

21 Sec. 4. Section 476.6, Code 1995, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 22. ALTERNATE ENERGY PROMOTIONAL

24 RATES. The board shall require that electric
25 utilities offer to their customers the opportunity to
26 pay, on a voluntary basis, an alternate energy
27 promotional rate. This rate shall exceed the rate for
28 electricity otherwise payable and shall be designed
29 and encouraged by the electric utility to maximize
30 voluntary financial support for alternate energy
31 production. The alternate energy promotional rate
32 shall be filed as a tariff with the board pursuant to
33 section 476.4. Retaining only amounts approved by the
34 board for its administrative and marketing costs, the
35 electric utility shall remit that portion of the
36 electric rate attributable to the alternate energy
37 promotional rate to the department of revenue and
38 finance in the same manner as sales tax is remitted
39 under chapter 422.

40 Sec. 5. Section 476.41, Code 1995, is amended to
41 read as follows:

42 476.41 PURPOSE.

43 It is the policy of this state to encourage the
44 development of ~~cost-effective~~ alternate energy
45 production facilities and small hydro facilities ~~in~~
46 ~~order to conserve our finite and expensive energy~~
47 ~~resources and to provide for their most efficient use.~~

48 Sec. 6. Section 476.42, subsection 1, Code 1995,
49 is amended to read as follows:

50 1. "Alternate energy production facility" means

Page 2

1 any or all of the following:

2 a. A solar, wind turbine, waste management,

3 resource, methane recovery, refuse-derived fuel, or
 4 agricultural crops or residues, or woodburning
 5 facility. Alternate energy production facility
 6 includes a small hydro facility as defined in
 7 subsection 4.

8 b. Land, systems, buildings, or improvements that
 9 are located at the project site and are necessary or
 10 convenient to the construction, completion, or
 11 operation of the facility.

12 c. Transmission or distribution facilities
 13 necessary to conduct the energy produced by the
 14 facility to ~~users located at or near the project site~~
 15 the electric utility purchasing the electricity.

16 A facility which is a qualifying facility under 18
 17 C.F.R. part 292, subpart B is not precluded from
 18 being an alternate energy production facility under
 19 this division. A facility which is owned by an
 20 electric utility is considered to be an alternate
 21 energy production facility for purposes of this
 22 division.

23 Sec. 7. Section 476.42, subsection 3, Code 1995,
 24 is amended by striking the subsection.

25 Sec. 8. Section 476.42, subsection 4, Code 1995,
 26 is amended to read as follows:

27 4. "Small hydro facility" means any or all of the
 28 following:

29 a. A hydroelectric facility at a dam, located
 30 within this state.

31 b. Land, systems, buildings, or improvements that
 32 are located at the project site and are necessary or
 33 convenient to the construction, completion, or
 34 operation of the facility.

35 c. Transmission or distribution facilities
 36 necessary to conduct the energy produced by the
 37 facility to ~~users located at or near the project site~~
 38 the electric utility purchasing the electricity.

39 A facility which is a qualifying facility under 18
 40 C.F.R. part 292, subpart B is not precluded from
 41 being a small hydro facility under this division. A
 42 facility which is owned by an electric utility is
 43 considered to be a small hydro facility for purposes
 44 of this division.

45 Sec. 9. Section 476.43, Code 1995, is amended by
 46 striking the section and inserting in lieu thereof the
 47 following:

48 476.43 ALTERNATE ENERGY PURCHASE REQUIREMENTS.

49 1. PURCHASE REQUIREMENT. The board shall require
 50 an electric utility, within the state, to enter into

Page 3

1 contracts for the purchase of the utility's allotted
 2 portion of eighty-nine megawatts of electricity

3 generated from alternate energy production facilities
4 located in the utility's service area and subject to
5 the terms and conditions established by the board
6 pursuant to this section.

7 2. ALLOCATION. By August 31, 1996, the board
8 shall allocate among the classes of alternate energy
9 production facilities, the amount of electricity to be
10 purchased from that class of facility. The board's
11 action shall result in an allotment of electricity
12 purchases assigned each class of alternate energy.
13 Alternate energy classes include wind, methane
14 recovery, agricultural crops or residue recovery, and
15 hydro generated electricity.

16 3. COMPETITIVE BIDDING. Within each class of
17 alternate energy production facility, the board shall
18 require competitive bidding to be conducted by
19 electric utilities for the purchase of electricity
20 assigned that class.

21 The board shall establish the required
22 specifications for a qualifying bid, and a schedule
23 for the conduct of all rounds of competitive bidding,
24 including a detailed timeline for facility
25 construction and energy delivery, and any other
26 contract terms the board deems necessary and
27 commercially reasonable. In the conduct of
28 competitive bidding, the board shall require
29 compliance with all applicable provisions of the
30 competitive bidding procedures of the department of
31 general services printing division as stated in 401
32 IAC ch. 5. The first round of competitive bidding
33 shall be completed not later than December 31, 1996,
34 and the last shall be completed not later than
35 December 31, 1997. If the first round of competitive
36 bidding is not fully successful in fulfilling the
37 allotments as specified by the board, the board shall
38 require the repeat of competitive bidding as necessary
39 to fulfill the allotments. Upon the completion of
40 each round, the board shall designate as successful
41 the lowest responsible bid or bids that meet all
42 bidding specifications.

43 4. PURCHASES. Upon designation of a successful
44 proposal, the board shall require the successful
45 bidder and the electric utility in whose service area
46 the facility is to be located to enter into a contract
47 for the purchase of electricity from that alternate
48 energy production facility in the amount specified by
49 the board. The contract shall be executed within
50 ninety days after designation of the successful

Page 4

1 bidder. Any item in dispute shall be submitted to the
2 board for resolution. The contract shall require the

3 electric utility to pay to the facility during the
4 contract term the utility's incremental cost of
5 electricity as certified not later than the bidding
6 deadline by the board. For purposes of this section,
7 "incremental cost" means the cost to the electric
8 utility of the electricity which, but for the purchase
9 from the alternate energy production facility, the
10 electric utility would have generated or purchased
11 from another source. The board shall pay to the
12 facility the balance of the purchase price designated
13 in the facility's successful bid.

14 5. PRIVATE CONTRACTS. Notwithstanding other
15 provisions of this section to the contrary, an
16 electric utility and an alternate energy production
17 facility may enter into a long-term contract and may
18 agree to rates for purchase and sale transactions. A
19 contract entered into under this subsection must be
20 filed with the board in the manner provided for
21 tariffs under section 476.4.

22 6. ADDITIONAL FACILITIES AND BACKUP POWER. This
23 section does not require an electric utility to
24 construct additional facilities unless those
25 facilities are paid for by the owner or operator of
26 the affected alternate energy production facility.
27 The electric utility shall provide for the
28 availability of supplemental or backup power to
29 alternate energy production facilities on a
30 nondiscriminatory basis and at just and reasonable
31 rates.

32 Sec. 10. Section 476.44, Code 1995, is repealed.

33 Sec. 11. GOOD FAITH INVESTMENT — REIMBURSEMENT
34 MECHANISM. It is the intent of the general assembly
35 that persons who have proceeded in good faith under
36 the terms and conditions of sections 476.43 and
37 476.44, Code 1995, prior to their amendment in this
38 Act, and who choose not to submit competitive bids
39 pursuant to section 476.43, not suffer economic loss
40 as a result of this Act. The Iowa utilities board
41 shall recommend a mechanism for reimbursement from the
42 general fund of the state for those reasonable good
43 faith development costs by those persons deemed by the
44 board to have been incurred in good faith. This
45 recommendation shall be made to the general assembly
46 by December 31, 1996.

47 Sec. 12. EXISTING CONTRACTS. Notwithstanding the
48 amendments to section 476.43 and 476.44, as contained
49 in this Act, nothing in this Act shall be construed to
50 modify the terms of any contract entered into prior to

- 3 facility. The Iowa utilities board shall continue to
- 4 allow the recovery of costs incurred, until the
- 5 termination of such contracts.”
- 6 2. Title page, by striking lines 1 through 3 and
- 7 inserting the following: “An Act relating to
- 8 alternate energy production and purchase, requiring
- 9 the purchase of eighty-nine megawatts of alternate
- 10 energy, requiring consideration of a reimbursement
- 11 mechanism for good faith investment, and requiring the
- 12 use of an alternate energy promotional rate.”
- 13 3. By renumbering as necessary.

Committee on Commerce-Regulation

H-5179

- 1 Amend House File 2421 as follows:
- 2 1. Page 7, by striking lines 25 through 29.
- 3 2. By renumbering as necessary.

WARNSTADT of Woodbury
MURPHY of Dubuque

H-5182

- 1 Amend House File 2421 as follows:
- 2 1. Page 11, by inserting after line 29, the
- 3 following:
- 4 “Sec. ____ There is appropriated from the rebuild
- 5 Iowa infrastructure fund of the state to the Davis
- 6 county agricultural society for the fiscal year
- 7 beginning July 1, 1996, and ending June 30, 1997, the
- 8 following amount, or so much thereof as is necessary,
- 9 to be used as follows:
- 10 For building an agricultural and economic
- 11 development exposition building:
- 12 \$ 75,000”
- 13 2. By renumbering as necessary.

KREIMAN of Davis

H-5183

- 1 Amend House File 2157 as follows:
- 2 1. Page 1, by striking lines 3 and 4, and
- 3 inserting the following: “language.”

KREIMAN of Davis

H-5184

- 1 Amend the amendment, H-5102, to House File 2298 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word “clause.”
- 4 and inserting the following: “clause and inserting
- 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 A managed care health plan or indemnity plan with a
 10 limited provider network shall provide patients direct
 11 access to each type of physician, as defined in
 12 section 135.1 and licensed under chapter 148, 150A, or
 13 151, and to each occupational therapist licensed under
 14 chapter 148B. Access to a specialist may be
 15 conditioned upon a referral by a primary care provider
 16 licensed under chapter 148, 150A, or 151, or a primary
 17 care provider who is an occupational therapist
 18 licensed under chapter 148B. If a primary care
 19 provider determines that a referral should be made to
 20 a provider licensed, registered, or otherwise
 21 regulated under another chapter, a managed care health
 22 plan or indemnity plan with a limited provider network
 23 may require that the referral be made first to a
 24 provider designated by the plan. Any copayment
 25 deductible, cost containment mechanism, or premium
 26 rate shall not discriminate directly or indirectly
 27 upon the basis of the license held by the provider.
 28 Access to a specialist may be subject to a different
 29 copayment or deductible than access to a primary care
 30 provider. Access to a nonparticipating provider may
 31 be restricted or may be subject to different
 32 copayments, deductibles, or premium rates, or may be
 33 excluded, provided that a plan shall not differentiate
 34 or exclude a provider directly or indirectly upon the
 35 basis of the license held by the provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5185

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN

8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 A managed care health plan or indemnity plan with a
 10 limited provider network shall provide patients direct
 11 access to each type of physician, as defined in
 12 section 135.1 and licensed under chapter 148, 150A, or
 13 151, and to each person engaged in the practice of
 14 licensed social work subject to regulation under
 15 chapter 154C. Access to a specialist may be
 16 conditioned upon a referral by a primary care provider
 17 licensed under chapter 148, 150A, or 151, or a primary
 18 care provider who is a person engaged in the practice
 19 of licensed social work and regulated under chapter
 20 154C. If a primary care provider determines that a
 21 referral should be made to a provider licensed,
 22 registered, or otherwise regulated under another
 23 chapter, a managed care health plan or indemnity plan
 24 with a limited provider network may require that the
 25 referral be made first to a provider designated by the
 26 plan. Any copayment deductible, cost containment
 27 mechanism, or premium rate shall not discriminate
 28 directly or indirectly upon the basis of the license
 29 held by the provider. Access to a specialist may be
 30 subject to a different copayment or deductible than
 31 access to a primary care provider. Access to a
 32 nonparticipating provider may be restricted or may be
 33 subject to different copayments, deductibles, or
 34 premium rates, or may be excluded, provided that a
 35 plan shall not differentiate or exclude a provider
 36 directly or indirectly upon the basis of the license
 37 held by the provider.

38 For purposes of this section, "managed care health
 39 plan or indemnity plan with a limited provider
 40 network" means a health maintenance organization,
 41 organized delivery system, accountable health plan,
 42 health care insurance plan which limits the number of
 43 health care providers who can provide services under
 44 the plan, preferred provider organization, exclusive
 45 provider organization, restricted access network, or
 46 similar health-care plan."

47 2. Title page, line 3, by striking the word
 48 "physicians" and inserting the following:
 49 "providers".

BRUNKHORST of Bremer

H-5186

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 person engaged in the practice of licensed social work
 15 subject to regulation under chapter 154C. Access to a
 16 specialist may be conditioned upon a referral by a
 17 primary care provider licensed under chapter 148,
 18 150A, or 151, or a primary care provider who is a
 19 person engaged in the practice of licensed social work
 20 and regulated under chapter 154C. If a primary care
 21 provider determines that a referral should be made to
 22 a provider licensed, registered, or otherwise
 23 regulated under another chapter, a managed care health
 24 plan or indemnity plan with a limited provider network
 25 may require that the referral be made first to a
 26 provider designated by the plan. Any copayment
 27 deductible, cost containment mechanism, or premium
 28 rate shall not discriminate directly or indirectly
 29 upon the basis of the license held by the provider.
 30 Access to a specialist may be subject to a different
 31 copayment or deductible than access to a primary care
 32 provider. Access to a nonparticipating provider may
 33 be restricted or may be subject to different
 34 copayments, deductibles, or premium rates, or may be
 35 excluded, provided that a plan shall not differentiate
 36 or exclude a provider directly or indirectly upon the
 37 basis of the license held by the provider.

38 For purposes of this section, "managed care health
 39 plan or indemnity plan with a limited provider
 40 network" means a health maintenance organization,
 41 organized delivery system, accountable health plan,
 42 health care insurance plan which limits the number of
 43 health care providers who can provide services under
 44 the plan, preferred provider organization, exclusive
 45 provider organization, restricted access network, or
 46 similar health-care plan."

47 2. Title page, line 3, by striking the word
 48 "physicians" and inserting the following:
 49 "providers".

BRUNKHORST of Bremer

H-5187

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148, 150A, or 151, and to each
14 acupuncturist registered under chapter 148E. Access
15 to a specialist may be conditioned upon a referral by
16 a primary care provider licensed under chapter 148,
17 150A, or 151, or a primary care provider who is an
18 acupuncturist registered under chapter 148E. If a
19 primary care provider determines that a referral
20 should be made to a provider licensed, registered, or
21 otherwise regulated under another chapter, a managed
22 care health plan or indemnity plan with a limited
23 provider network may require that the referral be made
24 first to a provider designated by the plan. Any
25 copayment deductible, cost containment mechanism, or
26 premium rate shall not discriminate directly or
27 indirectly upon the basis of the license held by the
28 provider. Access to a specialist may be subject to a
29 different copayment or deductible than access to a
30 primary care provider. Access to a nonparticipating
31 provider may be restricted or may be subject to
32 different copayments, deductibles, or premium rates,
33 or may be excluded, provided that a plan shall not
34 differentiate or exclude a provider directly or
35 indirectly upon the basis of the license held by the
36 provider.

37 For purposes of this section, "managed care health
38 plan or indemnity plan with a limited provider
39 network" means a health maintenance organization,
40 organized delivery system, accountable health plan,
41 health care insurance plan which limits the number of
42 health care providers who can provide services under
43 the plan, preferred provider organization, exclusive
44 provider organization, restricted access network, or
45 similar health-care plan."

46 2. Title page, line 3, by striking the word
47 "physicians" and inserting the following:
48 "providers".

BRUNKHORST of Bremer

H-5188

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:

3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause and inserting
5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 A managed care health plan or indemnity plan with a
10 limited provider network shall provide patients direct

11 access to each type of physician, as defined in
 12 section 135.1 and licensed under chapter 148, 150A, or
 13 151, and to each acupuncturist registered under
 14 chapter 148E. Access to a specialist may be
 15 conditioned upon a referral by a primary care provider
 16 licensed under chapter 148, 150A, or 151, or a primary
 17 care provider who is an acupuncturist registered under
 18 chapter 148E. If a primary care provider determines
 19 that a referral should be made to a provider licensed,
 20 registered, or otherwise regulated under another
 21 chapter, a managed care health plan or indemnity plan
 22 with a limited provider network may require that the
 23 referral be made first to a provider designated by the
 24 plan. Any copayment deductible, cost containment
 25 mechanism, or premium rate shall not discriminate
 26 directly or indirectly upon the basis of the license
 27 held by the provider. Access to a specialist may be
 28 subject to a different copayment or deductible than
 29 access to a primary care provider. Access to a
 30 nonparticipating provider may be restricted or may be
 31 subject to different copayments, deductibles, or
 32 premium rates, or may be excluded, provided that a
 33 plan shall not differentiate or exclude a provider
 34 directly or indirectly upon the basis of the license
 35 held by the provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5189

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. **NEW SECTION.** 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 A managed care health plan or indemnity plan with a
 10 limited provider network shall provide patients direct
 11 access to each type of physician, as defined in
 12 section 135.1 and licensed under chapter 148, 150A, or
 13 151, and to each dietitian licensed under chapter

14 152A. Access to a specialist may be conditioned upon
 15 a referral by a primary care provider licensed under
 16 chapter 148, 150A, or 151, or a primary care provider
 17 who is a dietician licensed under chapter 152A. If a
 18 primary care provider determines that a referral
 19 should be made to a provider licensed, registered, or
 20 otherwise regulated under another chapter, a managed
 21 care health plan or indemnity plan with a limited
 22 provider network may require that the referral be made
 23 first to a provider designated by the plan. Any
 24 copayment deductible, cost containment mechanism, or
 25 premium rate shall not discriminate directly or
 26 indirectly upon the basis of the license held by the
 27 provider. Access to a specialist may be subject to a
 28 different copayment or deductible than access to a
 29 primary care provider. Access to a nonparticipating
 30 provider may be restricted or may be subject to
 31 different copayments, deductibles, or premium rates,
 32 or may be excluded, provided that a plan shall not
 33 differentiate or exclude a provider directly or
 34 indirectly upon the basis of the license held by the
 35 provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5190

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 A managed care health plan or indemnity plan with a
 10 limited provider network shall provide patients direct
 11 access to each type of physician, as defined in
 12 section 135.1 and licensed under chapter 148, 150A, or
 13 151, and to each hearing aid dealer licensed under
 14 chapter 154A. Access to a specialist may be
 15 conditioned upon a referral by a primary care provider
 16 licensed under chapter 148, 150A, or 151, or a primary
 17 care provider who is a hearing aid dealer licensed

18 under chapter 154A. If a primary care provider
 19 determines that a referral should be made to a
 20 provider licensed, registered, or otherwise regulated
 21 under another chapter, a managed care health plan or
 22 indemnity plan with a limited provider network may
 23 require that the referral be made first to a provider
 24 designated by the plan. Any copayment deductible,
 25 cost containment mechanism, or premium rate shall not
 26 discriminate directly or indirectly upon the basis of
 27 the license held by the provider. Access to a
 28 specialist may be subject to a different copayment or
 29 deductible than access to a primary care provider.
 30 Access to a nonparticipating provider may be
 31 restricted or may be subject to different copayments,
 32 deductibles, or premium rates, or may be excluded,
 33 provided that a plan shall not differentiate or
 34 exclude a provider directly or indirectly upon the
 35 basis of the license held by the provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5191

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. **NEW SECTION. 514C.11 PATIENT ACCESS**
 7 **TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN**
 8 **OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.**

9 A managed care health plan or indemnity plan with a
 10 limited provider network shall provide patients direct
 11 access to each type of physician, as defined in
 12 section 135.1 and licensed under chapter 148, 150A, or
 13 151, and to each podiatrist licensed under chapter
 14 149. Access to a specialist may be conditioned upon a
 15 referral by a primary care provider licensed under
 16 chapter 148, 150A, or 151, or a primary care provider
 17 who is a podiatrist licensed under chapter 149. If a
 18 primary care provider determines that a referral
 19 should be made to a provider licensed, registered, or

20 otherwise regulated under another chapter, a managed
 21 care health plan or indemnity plan with a limited
 22 provider network may require that the referral be made
 23 first to a provider designated by the plan. Any
 24 copayment deductible, cost containment mechanism, or
 25 premium rate shall not discriminate directly or
 26 indirectly upon the basis of the license held by the
 27 provider. Access to a specialist may be subject to a
 28 different copayment or deductible than access to a
 29 primary care provider. Access to a nonparticipating
 30 provider may be restricted or may be subject to
 31 different copayments, deductibles, or premium rates,
 32 or may be excluded, provided that a plan shall not
 33 differentiate or exclude a provider directly or
 34 indirectly upon the basis of the license held by the
 35 provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5192

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting.
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 podiatrist licensed under chapter 149. Access to a
 15 specialist may be conditioned upon a referral by a
 16 primary care provider licensed under chapter 148,
 17 150A, or 151, or a primary care provider who is a
 18 podiatrist licensed under chapter 149. If a primary
 19 care provider determines that a referral should be
 20 made to a provider licensed, registered, or otherwise
 21 regulated under another chapter, a managed care health

22 plan or indemnity plan with a limited provider network
 23 may require that the referral be made first to a
 24 provider designated by the plan. Any copayment
 25 deductible, cost containment mechanism, or premium
 26 rate shall not discriminate directly or indirectly
 27 upon the basis of the license held by the provider.
 28 Access to a specialist may be subject to a different
 29 copayment or deductible than access to a primary care
 30 provider. Access to a nonparticipating provider may
 31 be restricted or may be subject to different
 32 copayments, deductibles, or premium rates, or may be
 33 excluded, provided that a plan shall not differentiate
 34 or exclude a provider directly or indirectly upon the
 35 basis of the license held by the provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5193

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:"

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 hearing aid dealer licensed under chapter 154A.
 15 Access to a specialist may be conditioned upon a
 16 referral by a primary care provider licensed under
 17 chapter 148, 150A, or 151, or a primary care provider
 18 who is a hearing aid dealer licensed under chapter
 19 154A. If a primary care provider determines that a
 20 referral should be made to a provider licensed,
 21 registered, or otherwise regulated under another
 22 chapter, a managed care health plan or indemnity plan
 23 with a limited provider network may require that the

24 referral be made first to a provider designated by the
 25 plan. Any copayment deductible, cost containment
 26 mechanism, or premium rate shall not discriminate
 27 directly or indirectly upon the basis of the license
 28 held by the provider. Access to a specialist may be
 29 subject to a different copayment or deductible than
 30 access to a primary care provider. Access to a
 31 nonparticipating provider may be restricted or may be
 32 subject to different copayments, deductibles, or
 33 premium rates, or may be excluded, provided that a
 34 plan shall not differentiate or exclude a provider
 35 directly or indirectly upon the basis of the license
 36 held by the provider.

37 For purposes of this section, "managed care health
 38 plan or indemnity plan with a limited provider
 39 network" means a health maintenance organization,
 40 organized delivery system, accountable health plan,
 41 health care insurance plan which limits the number of
 42 health care providers who can provide services under
 43 the plan, preferred provider organization, exclusive
 44 provider organization, restricted access network, or
 45 similar health-care plan."

46 2. Title page, line 3, by striking the word
 47 "physicians" and inserting the following:
 48 "providers".

BRUNKHORST of Bremer

H-5194

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. **NEW SECTION.** 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 massage therapist licensed under chapter 152C. Access
 15 to a specialist may be conditioned upon a referral by
 16 a primary care provider licensed under chapter 148,
 17 150A, or 151, or a primary care provider who is a
 18 massage therapist licensed under chapter 152C. If a
 19 primary care provider determines that a referral
 20 should be made to a provider licensed, registered, or
 21 otherwise regulated under another chapter, a managed
 22 care health plan or indemnity plan with a limited
 23 provider network may require that the referral be made
 24 first to a provider designated by the plan. Any

25 copayment deductible, cost containment mechanism, or
 26 premium rate shall not discriminate directly or
 27 indirectly upon the basis of the license held by the
 28 provider. Access to a specialist may be subject to a
 29 different copayment or deductible than access to a
 30 primary care provider. Access to a nonparticipating
 31 provider may be restricted or may be subject to
 32 different copayments, deductibles, or premium rates,
 33 or may be excluded, provided that a plan shall not
 34 differentiate or exclude a provider directly or
 35 indirectly upon the basis of the license held by the
 36 provider.

37 For purposes of this section, "managed care health
 38 plan or indemnity plan with a limited provider
 39 network" means a health maintenance organization,
 40 organized delivery system, accountable health plan,
 41 health care insurance plan which limits the number of
 42 health care providers who can provide services under
 43 the plan, preferred provider organization, exclusive
 44 provider organization, restricted access network, or
 45 similar health-care plan."

46 2. Title page, line 3, by striking the word
 47 "physicians" and inserting the following:
 48 "providers".

BRUNKHORST of Bremer

H-5195

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 occupational therapist licensed under chapter 148B.
 15 Access to a specialist may be conditioned upon a
 16 referral by a primary care provider licensed under
 17 chapter 148, 150A, or 151, or a primary care provider
 18 who is an occupational therapist licensed under
 19 chapter 148B. If a primary care provider determines
 20 that a referral should be made to a provider licensed,
 21 registered, or otherwise regulated under another
 22 chapter, a managed care health plan or indemnity plan
 23 with a limited provider network may require that the
 24 referral be made first to a provider designated by the
 25 plan. Any copayment deductible, cost containment

26 mechanism, or premium rate shall not discriminate
27 directly or indirectly upon the basis of the license
28 held by the provider. Access to a specialist may be
29 subject to a different copayment or deductible than
30 access to a primary care provider. Access to a
31 nonparticipating provider may be restricted or may be
32 subject to different copayments, deductibles, or
33 premium rates, or may be excluded, provided that a
34 plan shall not differentiate or exclude a provider
35 directly or indirectly upon the basis of the license
36 held by the provider.

37 For purposes of this section, "managed care health
38 plan or indemnity plan with a limited provider
39 network" means a health maintenance organization,
40 organized delivery system, accountable health plan,
41 health care insurance plan which limits the number of
42 health care providers who can provide services under
43 the plan, preferred provider organization, exclusive
44 provider organization, restricted access network, or
45 similar health-care plan."

46 2. Title page, line 3, by striking the word
47 "physicians" and inserting the following:
48 "providers".

BRUNKHORST of Bremer

H-5196

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:

3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause and inserting
5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 A managed care health plan or indemnity plan with a
10 limited provider network shall provide patients direct
11 access to each type of physician, as defined in
12 section 135.1 and licensed under chapter 148, 150A, or
13 151, and to each massage therapist licensed under
14 chapter 152C. Access to a specialist may be
15 conditioned upon a referral by a primary care provider
16 licensed under chapter 148, 150A, or 151, or a primary
17 care provider who is a massage therapist licensed
18 under chapter 152C. If a primary care provider
19 determines that a referral should be made to a
20 provider licensed, registered, or otherwise regulated
21 under another chapter, a managed care health plan or
22 indemnity plan with a limited provider network may
23 require that the referral be made first to a provider
24 designated by the plan. Any copayment deductible,
25 cost containment mechanism, or premium rate shall not
26 discriminate directly or indirectly upon the basis of

27 the license held by the provider. Access to a
 28 specialist may be subject to a different copayment or
 29 deductible than access to a primary care provider.
 30 Access to a nonparticipating provider may be
 31 restricted or may be subject to different copayments,
 32 deductibles, or premium rates, or may be excluded,
 33 provided that a plan shall not differentiate or
 34 exclude a provider directly or indirectly upon the
 35 basis of the license held by the provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5197

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 dietician licensed under chapter 152A. Access to a
 15 specialist may be conditioned upon a referral by a
 16 primary care provider licensed under chapter 148,
 17 150A, or 151, or a primary care provider who is a
 18 dietician licensed under chapter 152A. If a primary
 19 care provider determines that a referral should be
 20 made to a provider licensed, registered, or otherwise
 21 regulated under another chapter, a managed care health
 22 plan or indemnity plan with a limited provider network
 23 may require that the referral be made first to a
 24 provider designated by the plan. Any copayment
 25 deductible, cost containment mechanism, or premium
 26 rate shall not discriminate directly or indirectly
 27 upon the basis of the license held by the provider.
 28 Access to a specialist may be subject to a different

29 copayment or deductible than access to a primary care
 30 provider. Access to a nonparticipating provider may
 31 be restricted or may be subject to different
 32 copayments, deductibles, or premium rates, or may be
 33 excluded, provided that a plan shall not differentiate
 34 or exclude a provider directly or indirectly upon the
 35 basis of the license held by the provider.

36 For purposes of this section, "managed care health
 37 plan or indemnity plan with a limited provider
 38 network" means a health maintenance organization,
 39 organized delivery system, accountable health plan,
 40 health care insurance plan which limits the number of
 41 health care providers who can provide services under
 42 the plan, preferred provider organization, exclusive
 43 provider organization, restricted access network, or
 44 similar health-care plan."

45 2. Title page, line 3, by striking the word
 46 "physicians" and inserting the following:
 47 "providers".

BRUNKHORST of Bremer

H-5198

1 Amend House File 2421 as follows:

2 1. Page 8, by inserting after line 18, the
 3 following:

4 "Sec. ____ There is appropriated from the rebuild
 5 Iowa infrastructure fund of the state to the
 6 department of natural resources for the fiscal year
 7 beginning July 1, 1996, and ending June 30, 1997, the
 8 following amount, or so much thereof as is necessary,
 9 to be used as follows:

10 For repair of the boathouse, visitors center, and
 11 concession stand at lake Wapello:

12 \$ 500,000

13 Notwithstanding section 8.33, unencumbered or
 14 unobligated funds remaining on June 30, 1998, from
 15 funds appropriated in this section, shall revert to
 16 the rebuild Iowa infrastructure fund on August 31,
 17 1998."

18 2. By renumbering as necessary.

KREIMAN of Davis

H-5202

1 Amend House File 2298 as follows:

2 1. By striking page 1, line 34, through page 2,
 3 line 5, and inserting the following: "indemnity plan
 4 with a limited provider network" means an organized
 5 delivery system. For purposes of this section,"

METCALF of Polk

H-5206

- 1 Amend House File 2298 as follows:
- 2 1. Page 2, lines 4 and 5, by striking the words
- 3 "restricted access network, or similar health-care
- 4 plan" and inserting the following: "or restricted
- 5 access network".

METCALF of Polk

H-5207

- 1 Amend House File 2298 as follows:
- 2 1. Page 2, by striking lines 5 through 7 and
- 3 inserting the following: "similar health-care plan."

METCALF of Polk

H-5208

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 35, by inserting after the word
- 3 "system," the following: "fraternal benefit
- 4 society,".

METCALF of Polk

H-5209

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 5, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 1, line 9, by striking the words "shall
- 5 not" and inserting the following: "may".
- 6 3. Page 1, lines 31 and 32, by striking the words
- 7 "adopt rules as necessary to administer this
- 8 paragraph" and inserting the following: "conduct a
- 9 study for each managed care plan in order to determine
- 10 if it is capable of serving appropriately the needs of
- 11 the subscriber population in the service area".
- 12 4. Page 1, by inserting after line 32 the
- 13 following:
- 14 "A plan shall not be implemented until completion
- 15 of the study of the needs of the subscriber population
- 16 in the service area. Following completion of a study,
- 17 the commissioner of insurance shall hold a public
- 18 hearing for the purpose of allowing commentary by the
- 19 public on the plan. Following the hearing, the
- 20 commissioner of insurance shall issue an order
- 21 regarding the capability of each plan to serve the
- 22 needs of the service area including the proper
- 23 concentration and number of providers who shall be a
- 24 part of the plan. The order shall be issued not more
- 25 than two weeks following the hearing."
- 26 5. Page 2, by inserting after line 7 the
- 27 following:

28 "Sec. ____ There is appropriated to the insurance
 29 division of the department of commerce for the fiscal
 30 year beginning July 1, 1996, and ending June 30, 1997,
 31 the following amount, or so much thereof as may be
 32 necessary, for the purpose of carrying out the studies
 33 and public hearings as provided for in section
 34 514C.11:
 35 \$ 500,000".
 36 6. Title page, line 3, by inserting after the
 37 word "physicians" the following: "and making an
 38 appropriation".

METCALF of Polk

H-5215

1 Amend House File 2182 as follows:
 2 1. Page 1, by inserting after line 24 the
 3 following:
 4 "3A. A group B streptococcus culture screening
 5 shall not be required if delivery of the baby is to be
 6 by cesarean section or if other group B streptococcus
 7 risk conditions are present and intrapartum
 8 antibiotics are to be administered during labor or at
 9 the time of membrane rupture."

BLODGETT of Cerro Gordo

H-5216

1 Amend House File 2182 as follows:
 2 1. Page 1, by inserting after line 31 the
 3 following:
 4 "If the centers for disease control and prevention
 5 of the United States department of health and human
 6 services, with the concurrence of the American academy
 7 of pediatrics and the American college of obstetrics
 8 and gynecology, determines that culture screenings of
 9 pregnant women to identify those who may have a
 10 positive screening result as a strategy to prevent the
 11 onset of group B streptococcus disease in newborns is
 12 no longer the most appropriate strategy, is no longer
 13 indicated, or is replaced by a treatment modality
 14 which renders the screening unnecessary, the director
 15 shall adopt rules pursuant to section 17A.4,
 16 subsection 2, and section 17A.5, subsection 2,
 17 paragraph "b", to reflect the determination."

BLODGETT of Cerro Gordo

H-5217

1 Amend House File 2435 as follows:
 2 1. Page 6, by inserting after line 23 the
 3 following:

- 4 "Sec. ____ Section 99D.11, Code 1995, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 8. A licensee shall not permit
 7 the operation of a satellite terminal as defined in
 8 section 527.2 to dispense cash or credit for gambling
 9 purposes within a pari-mutuel racetrack enclosure or
 10 at other facilities and parking areas controlled by
 11 the licensee."
 12 2. Page 6, by inserting after line 31 the
 13 following:
 14 "Sec. ____ Section 99F.9, Code 1995, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 7. A licensee shall not permit
 17 the operation of a satellite terminal as defined in
 18 section 527.2 to dispense cash or credit for gambling
 19 purposes on an excursion gambling boat or at other
 20 facilities and parking areas controlled by the
 21 licensee."
 22 3. By renumbering as necessary.

FALLON of Polk
 SUKUP of Franklin

H-5218

- 1 Amend House File 2435 as follows:
 2 1. Page 6, by inserting after line 23 the
 3 following:
 4 "Sec. ____ Section 99D.9, subsection 6, Code 1995,
 5 is amended to read as follows:
 6 6. A licensee ~~may~~ shall not loan to any person
 7 money or any other thing of value or provide space or
 8 accommodation for any party to provide credit in
 9 person or through any mechanical or electronic device
 10 for the purpose of permitting that person to wager on
 11 any race."
 12 2. Page 6, by inserting after line 31 the
 13 following:
 14 "Sec. ____ Section 99F.9, subsection 6, Code 1995,
 15 is amended to read as follows:
 16 6. A licensee shall not accept a credit card as
 17 defined in section 537.1301, subsection 16, or provide
 18 space or accommodation for any other party to provide
 19 credit in person or through a mechanical or electronic
 20 device to purchase coins, tokens, or other forms of
 21 credit to be wagered on gambling games."
 22 3. By renumbering as necessary.

FALLON of Polk
 SUKUP of Franklin

H-5220

- 1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause and inserting
 5 the following:
 6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network may provide patients limited access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151. Such access
 14 to a physician licensed under chapter 151 shall not be
 15 conditioned upon a specific number of visits, but
 16 shall be based upon the appropriate medical treatment.
 17 If a physician determines that a referral should be
 18 made to a physician licensed under another chapter, a
 19 managed care health plan or indemnity plan with a
 20 limited provider network may require that the referral
 21 be made first to a provider designated by the plan.
 22 Access to a nonparticipating physician may be
 23 restricted or may be subject to different copayments,
 24 deductibles, or premium rates, or may be excluded,
 25 provided that a plan shall not differentiate or
 26 exclude a physician directly or indirectly upon the
 27 basis of the license held by the physician.

28 For purposes of this section, "managed care health
 29 plan or indemnity plan with a limited provider
 30 network" means a health maintenance organization,
 31 organized delivery system, accountable health plan,
 32 health care insurance plan which limits the number of
 33 licensed physicians who can provide services under the
 34 plan, preferred provider organization, exclusive
 35 provider organization, restricted access network, or
 36 similar health-care plan. For purposes of this sec-
 37 tion, "physician" means physician as defined in
 38 section 135.1 and licensed under chapter 148, 150A, or
 39 151."

MASCHER of Johnson

H-5221

1 Amend Senate File 284, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 91E.3, subsection 1, Code
 6 1995, is amended by adding the following new
 7 paragraph:

8 NEW PARAGRAPH. e. That possession of forged
 9 documentation authorizing the person to stay or be
 10 employed in the United States is a class "D" felony."

11 2. Page 1, by inserting after line 22 the
 12 following:

13 "Sec. ____ NEW SECTION. 715A.2A ACCOMMODATION OF
14 FORGERY — PENALTY.

15 1. An employer who hires or employs another person
16 when the employer or an agent or employee of the
17 employer knows or should know that the document
18 evidencing the person's authorized stay or employment
19 in the United States is in violation of section
20 715A.2, subsection 2, paragraph "a", subparagraph (4)
21 or knows or should know that the person is not
22 authorized to be employed in the United States, shall
23 be subject to the following civil penalty:

24 a. For hiring or employing one person, a penalty
25 of not less than five hundred dollars but not more
26 than one thousand dollars.

27 b. For hiring or employing two or more persons
28 whose entry, study, or employment documentation is
29 forged, a penalty of five hundred dollars per person
30 hired or employed but not more than two thousand
31 dollars per person hired or employed.

32 In addition, an employer found to have hired or
33 employed a person with forged documents authorizing
34 the person's stay or employment in the United States
35 shall be assessed the costs of the action to enforce
36 the civil penalty, including the reasonable costs of
37 investigation and attorneys' fees.

38 2. A civil action to enforce this provision shall
39 be by equitable proceedings instituted by the attorney
40 general or county attorney.

41 3. Penalties ordered pursuant to this section
42 shall be paid to the treasurer of state for deposit in
43 the general fund of the state."

44 3. Title page, line 4, by striking the word
45 "penalties" and inserting the following: "criminal
46 penalties and providing civil penalties for employers
47 hiring individuals with forged documents regarding the
48 individuals' entry into, study, or employment in the
49 United States".

50 4. By renumbering as necessary.

Committee on Judiciary

H-5222

1 Amend the amendment, H-5200, to House File 2421 as
2 follows:

3 1. Page 1, by striking lines 2 through 6.

4 2. By renumbering as necessary.

H-5227

- 1 Amend House File 2447 as follows:
2 1. Page 5, by inserting after line 31 the
3 following:
4 "Sec. ____ Section 476.78, Code 1995, is amended
5 to read as follows:
6 476.78 CROSS-SUBSIDIZATION PROHIBITED.
7 A rate-regulated gas or electric public utility
8 shall not directly or indirectly include any costs or
9 expenses attributable to providing nonutility service
10 in regulated rates or charges. Except for current
11 terms of existing contractual obligations as exempted
12 by the board, the utility or its affiliates shall not,
13 in providing nonutility services, in any manner use
14 the utility's name or logo, or any property,
15 equipment, or facilities included as part of the
16 utility's rate base, or any employees, other than
17 corporate officers, including those of the utility's
18 affiliates, whose salaries or benefits or both are
19 included to any extent as expenses recoverable in a
20 rate case proceeding."
21 2. Title page, line 2, by inserting after the
22 word "mandates" the following: "and cross-
23 subsidization".
24 3. By renumbering as necessary.

NELSON of Pottawattamie
FALLON of Polk

H-5229

- 1 Amend House File 2449 as follows:
2 1. Page 7, by inserting after line 25 the
3 following:
4 "Sec. ____ Section 56.40, Code 1995, is amended to
5 read as follows:
6 56.40 CAMPAIGN FUNDS.
7 1. As used in this division, "campaign funds"
8 means contributions to a candidate or candidate's
9 committee which are required by this chapter to be
10 deposited in a separate campaign account.
11 2. A candidate's committee shall not accept
12 contributions from any other candidate's committee
13 including candidate's committees from other states or
14 for federal office, unless and including another
15 candidate's committee when the candidate for whom each
16 committee is the two committees are established is the
17 same person. For purposes of this section,
18 "contributions" does not mean travel costs incurred by
19 a candidate in attending a campaign event of another
20 candidate.
21 3. This section shall not be construed to prohibit
22 a candidate or candidate's committee from using

23 campaign funds or accepting contributions for tickets
 24 to meals if the candidate attends solely for the
 25 purpose of enhancing the person's candidacy or the
 26 candidacy of another person. This section shall be
 27 construed to apply to any exploratory committee or
 28 activity by a person who is determining whether or not
 29 to become a candidate for office."
 30 2. By renumbering as necessary.

RANTS of Woodbury

H-5230

1 Amend House File 2449 as follows:
 2 1. Page 2, line 35, by striking the words "or
 3 political committee".
 4 2. Page 3, by striking lines 24 through 32 and
 5 inserting the following:
 6 "4. A political committee shall not make any
 7 contribution to a candidate, candidate's committee,
 8 state statutory political committee, county statutory
 9 political committee, or a city statutory political
 10 committee."
 11 3. Page 7, by inserting after line 25 the
 12 following:
 13 "Sec. ____ Section 56.15A, Code 1995, is amended
 14 to read as follows:
 15 **56.15A PROHIBITING LOBBYIST CONTRIBUTIONS DURING**
 16 **THE LEGISLATIVE SESSION.**
 17 ~~A lobbyist or political committee, other than a~~
 18 ~~state statutory political committee, county statutory~~
 19 ~~political committee, or a national political party,~~
 20 shall not contribute to, act as an agent or
 21 intermediary for contributions to, or arrange for the
 22 making of monetary or in-kind contributions to the
 23 campaign of an elected state official, member of the
 24 general assembly, or candidate for state office on any
 25 day during the regular legislative session and, in the
 26 case of the governor or a gubernatorial candidate,
 27 during the thirty days following the adjournment of a
 28 regular legislative session allowed for the signing of
 29 bills. This section shall not apply to the receipt of
 30 contributions by an elected state official, member of
 31 the general assembly, or other state official who has
 32 taken affirmative action to seek nomination or
 33 election to a federal elective office.
 34 This section shall not apply to a candidate for
 35 state office who filed nomination papers for an office
 36 for which a special election is called or held during
 37 the regular legislative session, if the candidate
 38 receives the contribution at any time during the
 39 period commencing on the date on which at least two
 40 candidates have been nominated for the office and
 41 ending on the date on which the election is held. A

42 person who is an elected state official shall not,
43 however, solicit contributions during a legislative
44 session from any lobbyist ~~or political committee,~~
45 ~~other than a state statutory political committee,~~
46 ~~county statutory political committee, or a national~~
47 ~~political party,~~ for another candidate for a state
48 office for which a special election is held.”

49 4. By renumbering as necessary.

CHURCHILL of Polk

H-5233

1 Amend House File 2345 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 730.5, subsection 1, Code
5 1995, is amended to read as follows:

6 1. As used in this section, unless the context
7 otherwise requires:

8 a. “drug Drug test” means any blood, urine,
9 saliva, chemical, or skin tissue test conducted for
10 the purpose of detecting the presence of a chemical
11 substance in an individual.

12 b. “Preemployment” means that period of time
13 between when a bona fide offer of employment is made
14 and when employment begins.

15 Sec. 2. Section 730.5, subsection 2, Code 1995, is
16 amended to read as follows:

17 2. Except as provided in subsection 7, an employer
18 shall not require or request employees or applicants
19 for employment to submit to a drug test as a condition
20 of employment, preemployment, promotion, or change in
21 status of employment. An employer shall not request,
22 require, or conduct random or blanket drug testing of
23 employees. However, this section does not apply to
24 preemployment drug tests authorized for peace officers
25 or correctional officers of the state, or to drug
26 tests required under federal statutes or under federal
27 regulations adopted as of July 1, 1990 in effect on or
28 before February 16, 1995, or to drug tests conducted
29 pursuant to a nuclear regulatory commission
30 regulation, or to drug tests conducted to determine if
31 an employee is ineligible to receive workers’
32 compensation under section 85.16, subsection 2.

33 The exemption granted by this subsection relating
34 to drug testing pursuant to federal regulations
35 adopted as of July 1, 1990 in effect on or before
36 February 16, 1995, is of no effect, as it applies to a
37 particular regulation, upon a finding by a court of
38 competent jurisdiction, including any appeal of such
39 finding, that the particular regulation is
40 unconstitutional or otherwise invalid. The decision

41 of a court invalidating any regulation exempted by
42 this section shall not be stayed pending appeal.

43 Sec. 3. Section 730.5, subsection 3, paragraph a,
44 Code 1995, is amended to read as follows:

45 a. The employer has probable cause to believe that
46 an employee's faculties are impaired on the job. For
47 purposes of this paragraph, an employer has probable
48 cause to believe that an employee's faculties are
49 impaired on the job if the employer is investigating
50 an accident in the workplace and all of the following

Page 2

1 conditions are met:

2 (1) The employer has reasonable grounds to believe
3 that the employee proposed to be tested either
4 directly caused or directly contributed to the
5 accident.

6 (2) The employer has reasonable grounds to believe
7 that the employee's faculties were impaired and that
8 the impairment was likely a substantial factor in
9 causing the accident.

10 (3) The accident results in a personal injury
11 which requires medical treatment away from the
12 workplace or damage to property, including equipment,
13 in an amount reasonably estimated to exceed five
14 thousand dollars at the time of the accident.

15 (4) Prior to the accident, the employer has
16 provided the employee to be tested with written notice
17 of the employer's rules or policies regarding alcohol
18 and controlled substances and testing when a workplace
19 accident or injury occurs.

20 Sec. 4. Section 730.5, subsection 3, paragraph c,
21 Code 1995, is amended to read as follows:

22 c. The test sample withdrawn from the employee is
23 analyzed by a laboratory or testing facility that has
24 been approved under rules adopted by the department of
25 public health. The laboratory or testing facility
26 shall test for and report to the employer only the
27 presence of alcohol or illegal controlled substances
28 in any test sample. Upon request by an employee or
29 applicant for employment, the employer shall provide
30 to the employee or applicant the results of any drug
31 test. The rules adopted by the department of public
32 health shall provide for all of the following:

33 (1) The initial screening test may utilize
34 immunoassay, thin layer, high performance liquid or
35 gas chromatography, or an equivalent technology. If
36 the initial test utilizes immunoassay, the test kit
37 must meet the requirements of the United States food
38 and drug administration.

39 (2) Samples which have tested positive by initial
40 testing, with the exception of alcohol, shall be

41 confirmed by gas chromatography-mass spectrometry or
42 by a scientifically equivalent technique approved by
43 the department.

44 (3) All initial positive drug test results with
45 the exception of alcohol shall be confirmed by gas
46 chromatography-mass spectrometry or an equivalent test
47 approved by the department before being reported as
48 positive or negative.

49 (4) All initial positive test results for alcohol
50 shall be confirmed by gas chromatography, or a test

Page 3

1 that is recognized by the department as an equivalent
2 test before being reported as positive or negative.

3 (5) Preliminary reports for drugs other than
4 alcohol shall not be issued in the absence of
5 confirmation by gas chromatography-mass spectrometry
6 or a scientifically equivalent test approved by the
7 department.

8 (6) Complete chain of custody procedures shall be
9 used for referred specimens. When sample volumes
10 permit, it is recommended that only an aliquot of the
11 original specimen be sent to a reference laboratory.

12 Sec. 5. Section 730.5, subsection 7, Code 1995, is
13 amended to read as follows:

14 7. ~~A drug test conducted as a part of a physical~~
15 ~~examination performed as a part of a preemployment~~
16 ~~physical or as a part of a regularly-scheduled~~
17 ~~physical is only permissible. In addition to drug~~
18 ~~testing permitted by subsection 3, drug testing of an~~
19 ~~employee or applicant for employment shall also be~~
20 ~~permitted under the following circumstances:~~

21 a. For a preemployment physical, the employer
22 shall include notice that a drug test will be part of
23 a preemployment physical in any notice or
24 advertisement soliciting applicants for employment or
25 in the application for employment, and an applicant
26 for employment shall be personally informed of the
27 requirement for a drug test at the first interview.

28 b. For a regularly scheduled physical, the
29 employer shall give notice that a drug test will be
30 part of the physical at least thirty days prior to the
31 date the physical is scheduled.

32 c. An employer may require an employee, as a
33 condition of employment, to undergo drug testing if
34 that employee has been referred by the employer for
35 substance abuse evaluation pursuant to subsection 3,
36 paragraph "f", and treatment, if recommended by the
37 evaluation. The employee may be required to undergo
38 drug testing without prior notice, but in no case
39 shall more than two tests be conducted in the twelve-
40 month period following the employee's completion of

41 substance abuse treatment if the treatment was
42 recommended by the evaluation. A drug test shall not
43 be required of an employee by an employer during drug
44 treatment of the employee, if such testing would
45 duplicate testing of the employee conducted in the
46 course of treatment and the employee has waived
47 confidentiality as to the employer of the results of
48 such testing. An employer shall not require an
49 employee to submit to drug testing under this
50 paragraph if more than twelve months have elapsed

Page 4

1 since the employee successfully completed drug
2 treatment and the employee has not had a drug test
3 conducted indicating the presence of alcohol or an
4 illegal controlled substance during that twelve-month
5 period.

6 Drug testing conducted under this subsection shall
7 conform to the requirements of subsection 3,
8 paragraphs "c", "d", "e", and "f"; however, paragraph
9 "f" shall not apply to drug tests conducted as a part
10 of a preemployment physical.

11 Sec. 6. Section 730.5, Code 1995, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 12. An employer who conducts a
14 drug test pursuant to this section shall, for each
15 fiscal year beginning on or after July 1, 1995, file
16 an annual written report with the labor division of
17 the department of employment services consisting of
18 the following information:

19 a. The number of drug tests conducted by the
20 employer and the number of employees employed by the
21 employer.

22 b. The number of drug tests conducted as part of a
23 preemployment application process, a regularly
24 scheduled physical, or as a result of a drug test
25 conducted pursuant to a finding of probable cause as
26 provided by subsection 3, paragraph "a". Of the drug
27 tests conducted pursuant to a finding of probable
28 cause, the employer shall indicate the number of drug
29 tests conducted as a result of a workplace accident
30 that resulted in personal injury, property damage, or
31 both personal injury and property damage.

32 c. The number of drug tests that resulted in a
33 confirmed positive test result indicating the presence
34 of alcohol and the number of drug tests that resulted
35 in a confirmed positive test result indicating the
36 presence of an illegal controlled substance.

37 d. The number of personal injuries, and the dollar
38 loss for property damage, arising out of the use of
39 alcohol and illegal controlled substances by
40 employees.

41 e. The cost of substance abuse evaluation and
 42 treatment for employees."
 43 2. Title page, by striking lines 1 through 4 and
 44 inserting the following: "An Act relating to drug
 45 testing of certain employees and applicants for
 46 employment, providing for employer reporting of drug
 47 tests, and making penalties applicable."

NELSON of Pottawattamie

H-5236

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:
 5 "_. Page 1, line 5, by striking the word
 6 "shall" and inserting the following: "may".
 7 _. Page 1, line 9, by striking the words "shall
 8 not" and inserting the following: "may".
 9 _. Page 1, lines 31 and 32, by striking the
 10 words "adopt rules as necessary to administer this
 11 paragraph" and inserting the following: "conduct a
 12 study for each managed care plan in order to determine
 13 if it is capable of serving appropriately the needs of
 14 the subscriber population in the service area".

15 _. Page 1, by inserting after line 32 the
 16 following:
 17 "A plan shall not be implemented until completion
 18 of the study of the needs of the subscriber population
 19 in the service area. Following completion of a study,
 20 the commissioner of insurance shall hold a public
 21 hearing for the purpose of allowing commentary by the
 22 public on the plan. Following the hearing, the
 23 commissioner of insurance shall issue an order
 24 regarding the capability of each plan to serve the
 25 needs of the service area including the proper
 26 concentration and number of providers who shall be a
 27 part of the plan. The order shall be issued not more
 28 than two weeks following the hearing."

29 _. Page 2, by inserting after line 7 the
 30 following:
 31 "Sec. ___. There is appropriated to the insurance
 32 division of the department of commerce for the fiscal
 33 year beginning July 1, 1996, and ending June 30, 1997,
 34 the following amount, or so much thereof as may be
 35 necessary, for the purpose of carrying out the studies
 36 and public hearings as provided for in section
 37 514C.11:

38 \$ 500,000".

39 _. Title page, line 3, by inserting after the
 40 word "physicians" the following: "and making an
 41 appropriation".

H-5237

- 1 Amend House File 2419 as follows:
 2 1. Page 9, by inserting after line 25 the
 3 following:
 4 "Sec. ____ **NEW SECTION.** 476.94 PRUNING
 5 RESTRICTIONS ESTABLISHED.
 6 The board shall adopt by rule requirements and
 7 guidelines for public utilities with respect to the
 8 pruning of trees and shrubs growing near any
 9 transmission lines of public utilities. The rules, to
 10 the extent practicable, shall provide for the
 11 preservation of such trees and shrubs, and limit the
 12 extent of any necessary pruning in an effort to
 13 minimize the negative aesthetic and environmental
 14 impact of such pruning."
 15 2. Title page, line 9, by inserting after the
 16 word "vehicles," the following: "relating to public
 17 utility pruning restrictions,".
 18 3. By renumbering as necessary.

FALLON of Polk

H-5238

- 1 Amend House File 2433 as follows:
 2 1. Page 2, by inserting after line 3 the
 3 following:
 4 "Sec. ____ Section 455D.11, subsection 5, Code
 5 1995, is amended to read as follows:
 6 5. a. The department shall develop criteria for
 7 the issuance of permits and shall issue permits to
 8 qualified stockpiling facilities. The department
 9 shall inform the owner or operator of a waste tire
 10 collection site or processing site of the specific
 11 permit required for the waste tire collection site or
 12 processing site and any variance possibilities.
 13 b. The department shall specify in writing to a
 14 person who applies for a permit or variance from the
 15 permit requirement of this section the department's
 16 reasons for denying the permit or variance. A person
 17 denied a permit or variance may appeal the denial to
 18 the commission pursuant to chapter 17A.
 19 c. The department shall process an application for
 20 a permit or variance in a timely manner and shall
 21 issue a permit or variance immediately upon
 22 determining that the person applying for a permit or
 23 variance complies with the requirements for obtaining
 24 the permit or variance."
 25 2. Title page, line 6, by inserting after the
 26 word "vehicles," the following: "pertaining to
 27 obtaining a permit or variance for storing or using
 28 waste tires,".
 29 3. By renumbering as necessary.

CORMACK of Webster

H-5240

- 1 Amend House File 2470 as follows:
2 1. Page 7, by inserting after line 5 the
3 following:
4 "Sec. ____ Section 435.1, subsection 5, Code
5 Supplement 1995, is amended to read as follows:
6 5. "Modular home" means a factory-built structure
7 ~~built on a permanent chassis~~ which is manufactured to
8 be used as a place of human habitation, is constructed
9 to comply with the Iowa state building code for
10 modular factory-built structures, and must display the
11 seal issued by the state building code commissioner.
12 If a modular home is placed in a mobile home park, the
13 home is subject to the annual tax as required by
14 section 435.22. If a modular home is placed outside a
15 mobile home park, the home shall be considered real
16 property and is to be assessed and taxed as real
17 estate."
18 2. Page 11, by inserting after line 11 the
19 following:
20 "Sec. ____ Section 555B.4, subsection 3, Code
21 1995, is amended to read as follows:
22 3. If a tax lien exists on the mobile home or
23 personal property at the time an action for
24 abandonment is initiated, the real property owner
25 shall notify the county treasurer of each county in
26 which a tax lien appears by restricted certified mail
27 sent not less than ten days before the hearing. The
28 notice shall describe the mobile home and shall state
29 the docket, case number, date and time at which the
30 hearing is scheduled, and the county treasurer's right
31 to assert a claim to the mobile home at the hearing.
32 The notice shall also state that failure to assert a
33 claim to the mobile home is deemed a waiver of all
34 right, title, claim, and interest in the mobile home
35 and is deemed consent to the sale or disposal of the
36 mobile home.
37 Sec. ____ Section 562B.7, subsection 6, Code 1995,
38 is amended by striking the subsection and inserting in
39 lieu thereof the following:
40 6. "Mobile home park" means a site, lot, field, or
41 tract of land upon which three or more mobile homes,
42 manufactured homes, or modular homes, or a combination
43 of any of these homes are placed on developed spaces
44 and operated as a for-profit enterprise with water,
45 sewer or septic, and electrical services available."
46 3. By renumbering as necessary.

VANDE HOEF of Osceola

H-5241

- 1 Amend House File 47 as follows:

- 2 1. Page 1, by striking lines 3 and 4 and
- 3 inserting the following: "language."

KREIMAN of Davis

H-5242

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 4, by striking the words and
- 3 figure "Notwithstanding section 514C.6, a" and
- 4 inserting the following: "A".

HALVORSON of Clayton

H-5243

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, by striking lines 28 through 32.

HALVORSON of Clayton

H-5244

- 1 Amend House File 2298 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ Section 509.3, subsection 7, Code 1995,
- 5 is amended by striking the subsection.
- 6 Sec. ____ Section 151.3, Code 1995, is amended by
- 7 adding the following new subsection:
- 8 NEW SUBSECTION. 4. Present satisfactory evidence
- 9 that the applicant has successfully completed one year
- 10 of postgraduate internship or resident training in a
- 11 hospital approved for such training by the board of
- 12 medical examiners established in chapter 147."
- 13 2. By renumbering as necessary.

HALVORSON of Clayton

H-5245

- 1 Amend House File 2473 as follows:
- 2 1. Page 16, by striking lines 2 through 4, and
- 3 inserting the following: "becoming self-supporting at
- 4 a standard of living ~~reasonably comparable to that~~
- 5 ~~enjoyed during the marriage, and the length of time~~
- 6 ~~necessary to achieve this goal that is equitable under~~
- 7 the circumstances of the case."

FALLON of Polk

H-5246

- 1 Amend House File 308 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ Section 85.36, subsection 9, paragraph

5 a, Code Supplement 1995, is amended to read as
6 follows:

7 a. In computing the compensation to be allowed a
8 volunteer fire fighter, emergency medical care
9 provider, reserve peace officer, volunteer ambulance
10 driver, volunteer emergency rescue technician as
11 defined in section 147A.1, or emergency medical
12 technician trainee, the earnings as a fire fighter,
13 emergency medical care provider, reserve peace
14 officer, volunteer ambulance driver, volunteer
15 emergency rescue technician, or emergency medical
16 technician trainee shall be disregarded and the
17 volunteer fire fighter, emergency medical care
18 provider, reserve peace officer, volunteer ambulance
19 driver, volunteer emergency rescue technician, or
20 emergency medical technician trainee shall be paid an
21 amount equal to the compensation the volunteer fire
22 fighter, emergency medical care provider, reserve
23 peace officer, volunteer ambulance driver, volunteer
24 emergency rescue technician, or emergency medical
25 technician trainee would be paid if injured in the
26 normal course of the volunteer fire fighter's,
27 emergency medical care provider's, reserve peace
28 officer's, volunteer ambulance driver's, volunteer
29 emergency rescue technician's, or emergency medical
30 technician trainee's regular employment or an amount
31 equal to one hundred and forty percent of the
32 statewide average weekly wage, whichever is greater."

33 2. Page 1, by inserting after line 29 the
34 following:

35 "Sec. ____ Section 85.61, subsection 2, Code
36 Supplement 1995, is amended to read as follows:
37 2. "Employer" includes and applies to a person,
38 firm, association, or corporation, state, county,
39 municipal corporation, school corporation, area
40 education agency, township as an employer of volunteer
41 fire fighters, volunteer emergency rescue technicians,
42 and emergency medical care providers only, benefited
43 fire district, and the legal representatives of a
44 deceased employer. "Employer" includes and applies to
45 a rehabilitation facility approved for purchase-of-
46 service contracts or for referrals by the department
47 of human services or the department of education."

48 3. Page 2, by inserting after line 10 the
49 following:

50 "Sec. ____ Section 85.61, subsection 11,

Page 2

1 unnumbered paragraph 3, Code Supplement 1995, is
2 amended to read as follows:

3 "Worker" or "employee" includes an emergency
4 medical care provider as defined in section 147A.1, a

5 volunteer emergency rescue technician as defined in
 6 section 147A.1, a volunteer ambulance driver, or an
 7 emergency medical technician trainee, only if an
 8 agreement is reached between such worker or employee
 9 and the employer for whom the volunteer services are
 10 provided that workers' compensation coverage under
 11 chapters 85, 85A, and 85B is to be provided by the
 12 employer. An emergency medical care provider or
 13 volunteer emergency rescue technician who is a worker
 14 or employee under this paragraph is not a casual
 15 employee. "Volunteer ambulance driver" means a person
 16 performing services as a volunteer ambulance driver at
 17 the request of the person in charge of a fire
 18 department or ambulance service of a municipality.
 19 "Emergency medical technician trainee" means a person
 20 enrolled in and training for emergency medical
 21 technician certification."

22 4. Title page, line 1, by striking the words "the
 23 election of".

24 5. Title page, line 1, by inserting after the
 25 word "compensation" the following: "benefits for
 26 volunteer emergency rescue technicians and election
 27 of".

28 6. By renumbering as necessary.

O'BRIEN of Boone

H-5247

1 Amend House File 2235 as follows:

2 1. Page 8, by striking lines 1 through 6 and
 3 inserting the following: "business reason. "Good
 4 cause" includes the failure of the franchisee to
 5 comply with any material lawful requirement of the
 6 franchise agreement, provided that the termination by
 7 the franchisor is not arbitrary or capricious when
 8 compared to the actions of the franchisor in other
 9 similar circumstances. The burden of proof showing".

HOLVECK of Polk

H-5248

1 Amend House File 2235 as follows:

2 1. Page 8, lines 2 and 3, by striking the words
 3 "material lawful" and inserting the following:
 4 material-lawful essential and reasonable".

HOLVECK of Polk

H-5249

1 Amend House File 2235 as follows:

2 1. Page 8, by striking lines 13 through 19 and
 3 inserting the following: "period of time to cure the
 4 default, which in no event shall be less than thirty

5 days or more than ninety days. However, during that
6 period, the franchise may be terminated if the
7 franchisee fails to make reasonable progress in curing
8 the default. In the event of nonpayment of moneys due
9 under the franchise agreement, the period to cure need
10 not exceed thirty days."

HOLVECK of Polk

H-5250

1 Amend House File 2235 as follows:
2 1. Page 10, by inserting after line 14 the
3 following:
4 "Sec. ____ Section 523H.8, Code Supplement 1995,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 3. A franchisor shall not refuse
7 to renew a franchise if the refusal is for the purpose
8 of converting the franchisee's business into an
9 operation that will be owned directly or indirectly by
10 the franchisor."
11 2. By renumbering as necessary.

HOLVECK of Polk

H-5251

1 Amend House File 2235 as follows:
2 1. Page 10, by inserting after line 14 the
3 following:
4 "Sec. ____ NEW SECTION. 523H.10A UNFAIR AND
5 DECEPTIVE ACTS.
6 In connection with the grant of a franchise,
7 subsequent performance and termination, it is unlawful
8 for the franchisor to engage in any unfair or
9 deceptive act or practice including, but not limited
10 to, the following:
11 1. Employing a device, scheme, or artifice to
12 defraud.
13 2. Making an untrue statement of material fact or
14 omitting to state a material fact necessary in order
15 to make the statements made, in the light of the
16 circumstances under which they are made, not
17 misleading.
18 3. Engaging in an act, practice, or course of
19 business which operates or would operate as a fraud,
20 deceit, forfeiture, or unconscionable conduct.
21 4. Omitting to state a material fact or make or
22 cause to be made an untrue statement of a material
23 fact in any registration or prospectus required under
24 federal or state law or regulation and presented to a
25 prospective franchisee.
26 5. Making a false or misleading statement of
27 material fact or omitting to state a material fact in
28 a registration application required to be stated or

- 29 necessary to make a required statement not misleading.
- 30 6. Employing illegal or deceptive activities in
- 31 the operation of the franchisor's enterprise or method
- 32 of business."
- 33 2. By renumbering as necessary.

HOLVECK of Polk

H-5252

- 1 Amend House File 2235 as follows:
- 2 1. Page 12, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 523H.12A INSURANCE
- 5 AGENTS.
- 6 The termination and nonrenewal protections of
- 7 sections 523H.7 and 523H.8 also apply to insurance
- 8 agents located in this state. The remedies provided
- 9 in section 523H.13 are applicable to violations of
- 10 this section."
- 11 2. By renumbering as necessary.

HOLVECK of Polk

H-5253

- 1 Amend House File 2235 as follows:
- 2 1. Page 12, by inserting after line 15 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 523H.13A DAMAGES
- 5 RECOVERABLE.
- 6 Damages recoverable pursuant to the provisions of
- 7 this chapter include, but are not limited to, the
- 8 following:
- 9 1. A fractional portion of the franchisee's
- 10 tangible assets, both real and personal, in this state
- 11 used with respect to the terminated or nonrenewed
- 12 franchise, including but not limited to, sales outlets
- 13 and facilities, offices, warehouses, trucks and the
- 14 furnishing, equipment, and accessories therein. The
- 15 numerator of the fraction shall consist of the
- 16 franchisee's gross sales, in the most recently
- 17 completed fiscal year, within this state attributable
- 18 to the terminated or nonrenewed franchise, and the
- 19 denominator of the fraction shall consist of the
- 20 franchisor's total gross sales, in the most recently
- 21 completed fiscal year, in this state.
- 22 2. Loss of goodwill.
- 23 3. Loss of profits; which loss shall be presumed
- 24 to be no less than five times the profit obtained by
- 25 the franchised distributor, by virtue of the
- 26 terminated franchise, in the most recently completed
- 27 fiscal year.
- 28 4. All other damages allowed under the law of this
- 29 state.

- 30 5. Reasonable attorney fees and expenses incurred
 31 in the action or actions brought pursuant to this
 32 chapter.”
 33 2. By renumbering as necessary.

HOLVECK of Polk

H-5254

- 1 Amend House File 2433 as follows:
 2 1. Page 2, by inserting after line 3 the
 3 following:
 4 “Sec. ____ Section 455D.11, subsection 1,
 5 paragraph f, Code 1995, is amended to read as follows:
 6 f. (1) “Waste tire” means a tire that is no
 7 longer suitable for its originally intended purpose
 8 due to wear, damage, or defect.
 9 (2) “Waste tire” does not include a any of the
 10 following:
 11 (a) A nonpneumatic tire.
 12 (b) A processed tire which is used in part or in
 13 whole for the construction of erosion control
 14 structures, French drains, leachate beds, septic
 15 system drain fields, road base, culverts, field
 16 crossings, intakes, or other uses where the intended
 17 purpose is to produce a beneficial product.
 18 (3) For the purposes of this section and sections
 19 455D.11A and 455D.11B, a nonpneumatic tire and a
 20 processed tire are not solid waste as defined in
 21 section 455B.301.”
 22 2. Title page, line 6, by inserting after the
 23 word “vehicles,” the following: “excluding certain
 24 waste tires from disposal, collection, processing, and
 25 transportation requirements.”
 26 3. By renumbering as necessary.

CORMACK of Webster

H-5256

- 1 Amend Senate File 2433 as follows:
 2 1. Page 2, by inserting after line 11 the
 3 following:
 4 “Sec. ____ Section 85.36, subsection 9, paragraph
 5 a, Code Supplement 1995, is amended to read as
 6 follows:
 7 a. In computing the compensation to be allowed a
 8 volunteer fire fighter, emergency medical care
 9 provider, reserve peace officer, volunteer ambulance
 10 driver, volunteer emergency rescue technician as
 11 defined in section 147A.1, or emergency medical
 12 technician trainee, the earnings as a fire fighter,
 13 emergency medical care provider, reserve peace
 14 officer, volunteer ambulance driver, volunteer
 15 emergency rescue technician, or emergency medical

16 technician trainee shall be disregarded and the
 17 volunteer fire fighter, emergency medical care
 18 provider, reserve peace officer, volunteer ambulance
 19 driver, volunteer emergency rescue technician, or
 20 emergency medical technician trainee shall be paid an
 21 amount equal to the compensation the volunteer fire
 22 fighter, emergency medical care provider, reserve
 23 peace officer, volunteer ambulance driver, volunteer
 24 emergency rescue technician, or emergency medical
 25 technician trainee would be paid if injured in the
 26 normal course of the volunteer fire fighter's,
 27 emergency medical care provider's, reserve peace
 28 officer's, volunteer ambulance driver's, volunteer
 29 emergency rescue technician's, or emergency medical
 30 technician trainee's regular employment or an amount
 31 equal to one hundred and forty percent of the
 32 statewide average weekly wage, whichever is greater.

33 Sec. ____ Section 85.61, subsection 2, Code
 34 Supplement 1995, is amended to read as follows:

35 2. "Employer" includes and applies to a person,
 36 firm, association, or corporation, state, county,
 37 municipal corporation, school corporation, area
 38 education agency, township as an employer of volunteer
 39 fire fighters, volunteer emergency rescue technicians,
 40 and emergency medical care providers only, benefited
 41 fire district, and the legal representatives of a
 42 deceased employer. "Employer" includes and applies to
 43 a rehabilitation facility approved for purchase-of-
 44 service contracts or for referrals by the department
 45 of human services or the department of education.

46 Sec. ____ Section 85.61, subsection 11, unnumbered
 47 paragraph 3, Code Supplement 1995, is amended to read
 48 as follows:

49 "Worker" or "employee" includes an emergency
 50 medical care provider as defined in section 147A.1, a

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1 volunteer emergency rescue technician as defined in
 2 section 147A.1, a volunteer ambulance driver, or an
 3 emergency medical technician trainee, only if an
 4 agreement is reached between such worker or employee
 5 and the employer for whom the volunteer services are
 6 provided that workers' compensation coverage under
 7 chapters 85, 85A, and 85B is to be provided by the
 8 employer. An emergency medical care provider or
 9 volunteer emergency rescue technician who is a worker
 10 or employee under this paragraph is not a casual
 11 employee. "Volunteer ambulance driver" means a person
 12 performing services as a volunteer ambulance driver at
 13 the request of the person in charge of a fire
 14 department or ambulance service of a municipality.
 15 "Emergency medical technician trainee" means a person

- 16 enrolled in and training for emergency medical
17 technician certification.”
18 2. Title page, line 2, by inserting after the
19 word “disputes,” the following: “concerning benefits
20 for volunteer emergency rescue technicians,”.
21 3. By renumbering as necessary.

O'BRIEN of Boone

H-5257

- 1 Amend House File 2441 as follows:
2 1. Page 1, line 7, by striking the words
3 “~~cardholder agreement~~” and inserting the following:
4 “cardholder agreement or”.

HALVORSON of Clayton

H-5258

- 1 Amend House File 2449 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 56.2. Code Supplement 1995, is
5 amended by adding the following new subsections:
6 NEW SUBSECTION. 12A. “Election” means the process
7 by which individuals, whether opposed or unopposed,
8 seek nomination for election to office, as well as
9 confirmation to serve in office by the casting of
10 ballots by voters.
11 NEW SUBSECTION. 12B. a. “Election campaign
12 period” means the time period between any type of
13 election for a particular office, commencing on the
14 day following the previous election of any type for
15 that office, and continuing through the day of the
16 current type of election.
17 b. Election types subject to a campaign period
18 definition include, but are not limited to, primary,
19 general, special and runoff. Nominations made
20 pursuant to chapters 44, 45, and 46 also require
21 calculation of a separate election campaign period.
22 NEW SUBSECTION. 21. “Statewide office” shall mean
23 the office of any of the state officers that are
24 listed in section 39.9.
25 Sec. 2. NEW SECTION. 56.5B LIMITATIONS ON
26 CONTRIBUTIONS.
27 1. A person shall not make contributions to a
28 candidate or a candidate’s committee that, for any
29 election campaign period for that candidate, in the
30 aggregate, exceed the following:
31 a. One thousand dollars for a candidate for a
32 statewide office.
33 b. Five hundred dollars for a candidate for the
34 general assembly.
35 2. A political committee shall not make

- 36 contributions to a candidate or a candidate's
37 committee that, for any election campaign period for
38 that candidate, in the aggregate, exceed the
39 following:
- 40 a. Five thousand dollars for a candidate for a
41 statewide office.
 - 42 b. One thousand dollars for a candidate for the
43 general assembly.
 - 44 3. A candidate or candidate's committee shall not
45 knowingly accept any contribution in violation of this
46 section.
 - 47 4. This section shall not apply to candidates for
48 the United States senate, house of representatives, or
49 other federal office.
 - 50 5. a. For purposes of this section, "election

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- 1 campaign period" shall be construed to apply separate
2 contribution limits for each type of election for a
3 particular office.
- 4 b. An election in which a candidate is unopposed
5 is a separate election for purposes of the limitations
6 on contributions, whether or not the election is
7 actually held. If the election is not held, the date
8 on which the election would have been held shall be
9 considered to be the date of the election.
 - 10 c. The director shall determine the relevant
11 election campaign periods prior to the beginning of
12 each calendar year. The election campaign periods for
13 all offices shall be published in the first edition of
14 the Iowa administrative bulletin in each calendar
15 year.
- 16 Sec. 3. Section 56.13, subsection 1, Code
17 Supplement 1995, is amended to read as follows:
- 18 1. Action involving a contribution or expenditure
19 which must be reported under this chapter and which is
20 taken by any person, candidate's committee, or
21 political committee on behalf of a candidate, if known
22 and approved by the candidate, shall be deemed action
23 by the candidate and reported by the candidate's
24 committee.
 - 25 a. It shall be presumed that a candidate approves
26 the action if the candidate had knowledge of it and
27 failed to file a statement of disavowal with the
28 commissioner or board and take corrective action
29 within seventy-two hours of the action.
 - 30 b. An expenditure made on behalf of the candidate,
31 and which is not disavowed by the candidate, shall be
32 deemed a contribution to the candidate or candidate's
33 committee, and is subject to the limitations and
34 prohibitions in section 56.5B, as well as the
35 disclosure requirements of section 56.6.

36 c. No expenditure by a candidate's committee can
37 be disavowed by the candidate.
38 d. For purposes of this section, an expenditure or
39 contribution shall be construed to have been taken on
40 behalf of a candidate according to the following:
41 (1) A contribution or expenditure that conveys a
42 message that is reasonably construed to advocate the
43 election of a clearly identified candidate may be an
44 action on behalf of that candidate, if it does not
45 otherwise qualify as an independent expenditure under
46 this section.
47 (2) A contribution or expenditure that conveys a
48 message that is reasonably construed to advocate the
49 defeat of a clearly identified candidate may be an
50 action on behalf of that candidate's opponent, if it

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1 does not otherwise qualify as an independent
2 expenditure under this section.
3 1A. a. A person, candidate's committee, or
4 political committee taking such action independently
5 of that candidate's committee involving a contribution
6 or expenditure that conveys a message that is
7 reasonably construed to advocate the election or
8 defeat of a clearly identified candidate shall notify
9 that candidate's committee the following in writing
10 within twenty-four hours of taking the action:
11 (1) The candidate's committee, if the contribution
12 or expenditure may reasonably be construed to convey a
13 message advocating the election of the candidate.
14 (2) The committee for the candidate's opponent, if
15 the contribution or expenditure may reasonably be
16 construed to advocate the defeat of the candidate.
17 b. The notification shall provide that candidate's
18 committee with the cost of the promotion at fair
19 market value.
20 c. A copy of the notification shall be sent to the
21 board.
22 1B. Any person who makes expenditures or incurs
23 indebtedness, other than incidental expenses incurred
24 in performing volunteer work, in support or opposition
25 of a candidate for public office shall notify the
26 appropriate committee and provide necessary
27 information for disclosure reports.
28 1C. For purposes of this section, action shall be
29 construed to have been taken independently of a
30 candidate's committee only if the action was not made
31 with the cooperation of, with the prior consent of, in
32 consultation with, or at the request or suggestion of
33 any candidate, any candidate's committee, or other
34 agent for the candidate.
35 a. For purposes of this section, an agent of the

36 candidate is any person who has actual oral or written
 37 authority, either express or implied, to make or to
 38 authorize the making of expenditures on behalf of a
 39 candidate, or any person who has been placed in a
 40 position within the campaign organization where it
 41 would reasonably appear that in the ordinary course of
 42 campaign-related activities, that person may authorize
 43 activity on behalf of the candidate.

44 b. An action will be presumed to be made with the
 45 cooperation of, with the prior consent of, in
 46 consultation with, or at the request or suggestion of
 47 any candidate, any candidate's committee, or other
 48 agent for the candidate in the following situations:

49 (1) When the action is based on information about
 50 the candidate's plans, projects, or needs, which

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1 information is provided by the candidate, the
 2 candidate's committee, or other agent of the
 3 candidate.

4 (2) When the action involves any arrangement,
 5 coordination, or direction by the candidate, the
 6 candidate's committee, or other agent of the candidate
 7 prior to the action.

8 (3) When the action involves any participation by
 9 the candidate or any person who is or who has been an
 10 officer of the candidate's committee, or who is or has
 11 been receiving compensation or reimbursement from the
 12 candidate, the candidate's committee, or other agent
 13 of the candidate.

14 1D. Any expenditure which is part of action that
 15 is deemed not to have been taken independently of the
 16 candidate, candidate's committee, or other agent of
 17 the candidate shall be considered a contribution for
 18 the purpose of contribution limitations and
 19 prohibitions. All reporting requirements shall apply
 20 to such contributions.

21 1E. No expenditure by a candidate's committee
 22 shall be construed to be an independent expenditure
 23 under this section.

24 Sec. 4. This Act takes effect January 1, 1997."

25 2. Title page, line 3, by striking the words
 26 "employee and member contributions,".

BERNAU of Story

H-5261

1 Amend House File 2433 as follows:

2 1. Page 2, by inserting after line 3 the
 3 following:

4 "Sec. ____ Section 455D.11, subsection 1,

5 paragraph f, Code 1995, is amended to read as follows:

- 6 f. (1) "Waste tire" means a tire that is no
 7 longer suitable for its originally intended purpose
 8 due to wear, damage, or defect.
 9 (2) "Waste tire" does not include a any of the
 10 following:
 11 (a) A nonpneumatic tire.
 12 (b) A processed tire which is used in part or in
 13 whole for the construction of erosion control
 14 structures, French drains, leachate beds, septic
 15 system drain fields, road base, culverts, field
 16 crossings, intakes, or other uses where the intended
 17 purpose is to produce a beneficial product.
 18 (3) For the purposes of this section and sections
 19 455D.11A and 455D.11B, a nonpneumatic tire and a
 20 processed tire are not solid waste as defined in
 21 section 455B.301."
 22 2. Title page, line 6, by inserting after the
 23 word "vehicles," the following: "excluding certain
 24 waste tires from disposal, collection, processing, and
 25 transportation requirements."
 26 3. By renumbering as necessary.

CORMACK of Webster

H-5263

- 1 Amend House File 2361 as follows:
 2 1. Page 1, by striking lines 1 through 8.
 3 2. By renumbering as necessary.

WEIDMAN of Cass

H-5265

- 1 Amend House File 2112 as follows:
 2 1. By striking page 1, line 3, through page 2,
 3 line 8, and inserting the following:
 4 "NEW UNNUMBERED PARAGRAPH. For property taxes
 5 payable in the fiscal year beginning July 1, 1996, the
 6 city's tax levy rate for the general fund under this
 7 section is, at the option of the city, eight dollars
 8 and ten cents per thousand dollars of taxable value or
 9 a levy rate that would raise an amount of property
 10 taxes equal to the product of the property taxes
 11 raised under this section during the fiscal year
 12 beginning July 1, 1995, multiplied by the sum of the
 13 inflation factor and the population factor. This
 14 paragraph applies only for property taxes payable in
 15 the fiscal year beginning July 1, 1996.
 16 NEW UNNUMBERED PARAGRAPH. For property taxes
 17 payable in the fiscal year beginning July 1, 1997, the
 18 city's tax levy rate for the general fund under this
 19 section is, at the option of the city, eight dollars
 20 and ten cents per thousand dollars of taxable value or
 21 a levy rate that would raise an amount of property

22 taxes equal to the product of the property taxes
 23 raised under this section during the fiscal year
 24 beginning July 1, 1995, multiplied by the sum of the
 25 inflation factor and the population factor. This
 26 paragraph applies only for property taxes payable in
 27 the fiscal year beginning July 1, 1997.

28 NEW UNNUMBERED PARAGRAPH. For purposes of this
 29 section, "inflation factor" for property taxes payable
 30 in the fiscal year beginning July 1, 1996, means the
 31 percent change in the price index for government
 32 purchases, as computed pursuant to section 444.25A,
 33 subsection 2, paragraph "e", for the fiscal year
 34 beginning July 1, 1996. "Inflation factor" for
 35 property taxes payable in the fiscal year beginning
 36 July 1, 1997, means the inflation factor for the
 37 fiscal year beginning July 1, 1996, plus the percent
 38 change in the price index for government purchases, as
 39 computed pursuant to section 444.25B, subsection 2,
 40 paragraph "e", for the fiscal year beginning July 1,
 41 1997.

42 NEW UNNUMBERED PARAGRAPH. For purposes of this
 43 section, "population factor" for property taxes
 44 payable in the fiscal year beginning July 1, 1996, or
 45 July 1, 1997, means the percent increase, if any, in
 46 the population as of January 1 of the calendar year in
 47 which the fiscal year begins, as determined or
 48 estimated by the United States census bureau, from the
 49 population as determined by the latest preceding
 50 certified federal census.

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1 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
 2 other provision for the fiscal year beginning July 1,
 3 1996, the date for certification of a city's budget
 4 shall be extended to April 15, 1996, and the dates
 5 relating to the protest of budget and appeals and to
 6 other dates relating to budget certification are
 7 extended thirty days."

DISNEY of Polk
 BLODGETT of Cerro Gordo

H-5266

1 Amend House File 2199 as follows:
 2 1. Page 5, by inserting after line 34 the
 3 following:
 4 "Sec. ____ SELF-HELP-FARE PROGRAM. The department
 5 of human services shall create a self-help-fare
 6 program available to recipients of public assistance
 7 under chapter 239 and their families in accordance
 8 with the following provisions:
 9 1. For the purposes of this paragraph unless the

10 context otherwise requires:

11 a. "Nonprofit organization" means a church,
12 housing group, neighborhood association, or other
13 organization described in the Internal Revenue Code,
14 26 U.S.C. § 501(c)(3), which is exempt from income
15 taxation under 26 U.S.C. § 501(a) and serves a
16 particular geographic area, holds regular meetings,
17 and was established prior to July 1, 1996.

18 b. "Self-help-fare program" or "program" means the
19 self-help-fare program created pursuant to this
20 section.

21 2. The department shall publicize the program and
22 solicit the involvement of nonprofit organizations in
23 developing a list of approximately 100 nonprofit
24 organizations to be matched with recipients enrolled
25 in the program. A nonprofit organization may assist a
26 family matched with the organization in any manner
27 deemed appropriate by the organization and the family.

28 3. The department shall screen and select the
29 recipient families deemed to be appropriate for the
30 program. Not more than 100 recipient families may
31 participate over the course of the program. A
32 recipient's decision to participate in the program
33 shall be completely voluntary. The program shall
34 provide a guaranteed annual income to participating
35 families in lieu of a grant or other benefits under
36 the family investment program and other programs for
37 which the family investment program provides
38 eligibility, including but not limited to medical
39 assistance and emergency assistance. The amount of
40 the guaranteed annual income shall be not more than
41 \$8,000 for one adult and \$3,000 for each child up to a
42 maximum of two children. The guaranteed annual income
43 amount for a family participating in the program shall
44 be reduced to reflect 50 percent of the family's
45 earned income. A participant in the program shall
46 automatically be eligible for an individual
47 development account under chapter 541A.

48 4. The program shall operate for the two-year
49 period beginning September 1, 1996, and ending August
50 31, 1998. A participant in the program shall not be

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1 eligible for the family investment program for a
2 period of two years following the end of participation
3 in the self-help-fare program.

4 5. The department shall convene a committee and
5 provide staffing to assist the committee in assessing
6 the success of the program. The committee shall
7 include but is not limited to participants in the
8 program, nonprofit organizations participating in the
9 program, the department, and members of the general

- 10 assembly. The committee's assessment shall be
 11 submitted to the governor and the general assembly on
 12 or before December 15, 1998.
 13 6. Implementation of the program is subject to
 14 enactment of an appropriation for the program."
 15 2. By renumbering as necessary.

FALLON of Polk

H-5270

- 1 Amend House File 2472 as follows:
 2 1. Page 4, by inserting after line 17 the
 3 following:
 4 "_. In addition to the funds appropriated in
 5 subsection 1, there is appropriated from the general
 6 fund of the state to the department of justice for the
 7 fiscal year beginning July 1, 1996, and ending June
 8 30, 1997, an amount not exceeding \$170,000 to be used
 9 for administering the second injury fund as provided
 10 in chapter 85 but only to the extent that there are
 11 insufficient moneys in the fund to provide for the
 12 administration of the fund."
 13 2. By renumbering as necessary.

MURPHY of Dubuque

H-5276

- 1 Amend House File 2472 as follows:
 2 1. Page 29, by inserting after line 8 the
 3 following:
 4 "Sec. ___. Section 692.2, subsection 1, paragraph
 5 j, Code Supplement 1995, is amended to read as
 6 follows:
 7 j. A person or the person's attorney but only with
 8 regard to the person's own criminal history data,
 9 subject to the identification and fee requirements of
 10 ~~section 692.2, subsection 6, and section 692.5.~~ A
 11 person may request in writing that a certified copy of
 12 the person's own criminal history record be sent
 13 directly to a potential employer.
 14 Sec. ___. Section 692.2, subsection 6, unnumbered
 15 paragraph 1, Code Supplement 1995, is amended to read
 16 as follows:
 17 The department may charge a fee to any nonlaw-
 18 enforcement agency to conduct criminal history record
 19 checks and otherwise administer this section and other
 20 sections of the Code providing access to criminal
 21 history records. The fee shall be set by the
 22 commissioner of public safety equal to the cost
 23 incurred not to exceed twenty dollars for each
 24 individual check requested. However, no fee shall be
 25 charged to a person requesting a copy of that person's
 26 own criminal history data, if that person requests

27 that the copy be sent directly to a potential
 28 employer. Notwithstanding any other limitation, the
 29 department is authorized to use revenues generated
 30 from the fee to employ clerical personnel to process
 31 criminal history checks for nonlaw-enforcement
 32 purposes.”
 33 2. By renumbering as necessary.

FALLON of Polk

H-5279

1 Amend House File 2472 as follows:
 2 1. Page 29, line 33, by inserting after the word
 3 “training” the following: “, including training at
 4 regional police academies.”
 5 2. Page 30, by inserting after line 10 the
 6 following:
 7 “Sec. 100. MORATORIUM ON LAW ENFORCEMENT TRAINING
 8 REGULATIONS. The Iowa law enforcement academy shall
 9 not modify any certification requirements in existence
 10 as of March 15, 1996, concerning regional police
 11 academies until January 15, 1997.”
 12 3. Page 30, by inserting after line 25 the
 13 following:
 14 “Sec. ____ Section 100 of this Act, providing a
 15 moratorium on law enforcement training regulations,
 16 being deemed of immediate importance, takes effect
 17 upon enactment.”
 18 4. By renumbering as necessary.

SHOULTZ of Black Hawk

H-5280

1 Amend House File 2454 as follows:
 2 1. Page 3, by inserting after line 16 the
 3 following:
 4 “Sec. ____ Section 453A.36, subsection 7,
 5 unnumbered paragraph 2, Code 1995, is amended to read
 6 as follows:
 7 8. Violation of this section by the holder of a
 8 distributor’s, wholesaler’s, or manufacturer’s permit
 9 shall be grounds for the revocation of such permit.
 10 Sec. ____ Section 453A.36, Code 1995, is amended
 11 by adding the following new subsection:
 12 NEW SUBSECTION. 9. A manufacturer, distributor,
 13 wholesaler, retailer, distributing agent, or agent
 14 thereof shall not give away cigarettes or tobacco
 15 products at any time for promotion of its business or
 16 product, or in any other connection to its business.
 17 A violation of this subsection is a serious
 18 misdemeanor.”
 19 2. By renumbering as necessary.

THOMSON of Linn

H-5285

1 Amend House File 2473 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 595.3A RIGHTS AND
5 OBLIGATIONS – NOTIFICATION.

6 Upon the filing of an application for a license to
7 marry and prior to the issuance of a license to marry,
8 the clerk of the district court shall provide the
9 applicants with a listing of resources to provide the
10 applicants with information which sets forth the legal
11 rights and obligations incident to marriage and
12 divorce. The chief judge of each judicial district
13 shall develop the listing of resources to be provided
14 to the applicants under this section.

15 Sec. 2. Section 598.7A, Code Supplement 1995, is
16 amended to read as follows:

17 598.7A DISSOLUTION OF MARRIAGE DOMESTIC RELATIONS
18 PROCEEDING – MEDIATION.

19 In addition to the custody mediation provided
20 pursuant to section 598.41, unless the court
21 determines that a history of domestic abuse exists as
22 specified in section 598.41, subsection 3, paragraph
23 "j", or unless the court determines that direct
24 physical harm or significant emotional harm to the
25 child, other children, or a parent is likely to
26 result, on the application of either party, or on the
27 court's own motion, the court ~~may require~~ shall
28 determine in each domestic relations proceeding or
29 modification of any order relating to those
30 proceedings whether the parties to the proceeding
31 shall participate in mediation to attempt to resolve
32 differences between the parties relative to the
33 granting of a marriage dissolution decree, if the
34 court determines that mediation may effectuate a
35 resolution of the differences without court
36 intervention.

37 The costs of mediation shall be paid in full or in
38 part by the parties, as determined by the court and
39 taxed as court costs.

40 Sec. 3. NEW SECTION. 598.7B MEDIATION AND
41 CONCILIATION SERVICES – REQUIREMENTS, QUALIFICATIONS,
42 AND FEES.

43 1. The supreme court shall prescribe rules to
44 establish the minimum qualifications for persons who
45 provide professional mediation and conciliation
46 services through the domestic relations division of a
47 district court relating to domestic relations
48 proceedings including but not limited to dissolution
49 of marriage, custody, support, or separate maintenance
50 proceedings and including modifications of any orders

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1 relating to these proceedings. The supreme court may
2 seek assistance in the drafting of the rules from
3 national mediation associations and other entities
4 with expertise in mediation and reconciliation
5 services. The rules shall provide for the
6 establishment of a sliding fee schedule for the
7 provision of services and shall require that in order
8 to provide mediation or conciliation services through
9 the domestic relations division of a district court,
10 the person is subject to the sliding fee schedule
11 established by the supreme court.

12 2. In addition to the provisions for conciliation
13 services pursuant to section 598.16, a district court
14 may recommend or require reconciliation services to
15 parties involved in domestic relations proceedings
16 including but not limited to dissolution of marriage,
17 custody, support, or separate maintenance proceedings
18 and including modification of any orders relating to
19 these proceedings.

20 Sec. 4. NEW SECTION. 598.19A MANDATORY SEMINARS
21 - PARENTS OF MINOR CHILDREN.

22 1. A decree dissolving the marriage of the parents
23 of a minor child shall not be granted until the
24 parents have participated in a seminar regarding the
25 effects of dissolution of marriage on a minor child.
26 Additionally, parties to a contested modification of
27 custody proceeding, who have not previously
28 participated in the seminar, shall participate in the
29 seminar prior to the granting of a modification of
30 custody order. The court shall require the parties to
31 participate in a seminar for a period of four hours.

32 2. A majority of the judges in a judicial district
33 shall establish the seminars, in cooperation with the
34 department of human services. The seminars shall be
35 scheduled at not more than two-week intervals, at
36 locations which are convenient for and accessible to
37 the parties to the dissolution or contested
38 modification of custody proceeding. The seminar shall
39 include, but is not limited to, information regarding
40 the effects of dissolution, including custodial
41 relationships, on a minor child and instructions for
42 coping with the effects.

43 3. The court shall establish a fee for the seminar
44 which reflects the actual cost of the seminar. The
45 fee shall be paid in full or in part by the parties as
46 directed by the court and shall be taxed as a court
47 cost.

48 4. Notwithstanding the requirement of
49 participation in the seminar established in this
50 section, a decree or order may be granted prior to

Page 3

- 1 fulfillment of the requirement if a party demonstrates
 2 that the other party refuses to participate in the
 3 seminar.”
 4 2. Title page, by striking lines 1 through 3 and
 5 inserting the following: “An Act relating to domestic
 6 relations.”

KREIMAN of Davis

H-5286

- 1 Amend House File 2292 as follows:
 2 1. Page 1, by inserting after line 24 the
 3 following:
 4 “Sec. ____ 1995 Iowa Acts, chapter 124, section
 5 24, is amended to read as follows:
 6 SEC. 24. TRANSFER OF RECORDS. All records in the
 7 custody of the clerk of the district court which
 8 relate to vital statistics duties being transferred to
 9 the county recorder or a successor county officer
 10 shall be transferred to the county recorder or a
 11 successor county officer on the effective date of this
 12 Act. All vital statistics records in the custody of
 13 the county recorder or a successor officer shall be
 14 reasonably accessible to the public as provided by
 15 rules adopted pursuant to chapter 144 and shall remain
 16 in the county of origin.”
 17 2. Title page, line 1, by inserting after the
 18 word “to” the following: “keeping vital statistics
 19 records,”.
 20 3. By renumbering as necessary.

RANTS of Woodbury

H-5287

- 1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:
 3 1. Page 5, line 43, by striking the words
 4 “material lawful” and inserting the following:
 5 “~~material lawful~~ essential and reasonable”.

HOLVECK of Polk

H-5288

- 1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:
 3 1. Page 6, by inserting after line 47 the
 4 following:
 5 “Sec. ____ Section 523H.8, Code Supplement 1995,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 3. A franchisor shall not refuse

- 8 to renew a franchise if the refusal is for the purpose
9 of converting the franchisee's business into an
10 operation that will be owned directly or indirectly by
11 the franchisor."
12 2. By renumbering as necessary.

HOLVECK of Polk

H-5289

1 Amend the amendment, H-5260, to House File 2235 as
2 follows:

3 1. Page 6, by inserting after line 47 the
4 following:

5 "Sec. ____ NEW SECTION. 523H.10A UNFAIR AND
6 DECEPTIVE ACTS.

7 In connection with the grant of a franchise, or
8 subsequent performance and termination, it is unlawful
9 for the franchisor to engage in any unfair or
10 deceptive act or practice including, but not limited
11 to, the following:

12 1. Employing a device, scheme, or artifice to
13 defraud.

14 2. Making an untrue statement of material fact or
15 omitting to state a material fact necessary in order
16 to make the statements made, in the light of the
17 circumstances under which they are made, not
18 misleading.

19 3. Engaging in an act, practice, or course of
20 business which operates or would operate as a fraud,
21 deceit, forfeiture, or unconscionable conduct.

22 4. Omitting to state a material fact or make or
23 cause to be made an untrue statement of a material
24 fact in any registration or prospectus required under
25 federal or state law or regulation and presented to a
26 prospective franchisee.

27 5. Making a false or misleading statement of
28 material fact or omitting to state a material fact in
29 a registration application required to be stated or
30 necessary to make a required statement not misleading.

31 6. Employing illegal or deceptive activities in
32 the operation of the franchisor's enterprise or method
33 of business."

34 2. By renumbering as necessary.

HOLVECK of Polk

H-5290

1 Amend the amendment, H-5260, to House File 2235 as
2 follows:

3 1. Page 8, by inserting after line 15 the
4 following:

5 "Sec. ____ NEW SECTION. 523H.12A INSURANCE
6 AGENTS.

- 7 The termination and nonrenewal protections of
 8 sections 523H.7 and 523H.8 also apply to insurance
 9 agents located in this state. The remedies provided
 10 in section 523H.13 are applicable to violations of
 11 this section.”
 12 2. By renumbering as necessary.

HOLVECK of Polk

H-5291

- 1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:
 3 1. Page 8, by striking line 24 and inserting the
 4 following: “including injunctive and other equitable
 5 relief.
 6 Sec. . NEW SECTION. 523H.13A DAMAGES
 7 RECOVERABLE.
 8 Damages recoverable pursuant to the provisions of
 9 this chapter include, but are not limited to, the
 10 following:
 11 1. A fractional portion of the franchisee’s
 12 tangible assets, both real and personal, in this state
 13 used with respect to the terminated or nonrenewed
 14 franchise, including but not limited to, sales outlets
 15 and facilities, offices, warehouses, trucks and the
 16 furnishing, equipment, and accessories therein. The
 17 numerator of the fraction shall consist of the
 18 franchisee’s gross sales, in the most recently
 19 completed fiscal year, within this state attributable
 20 to the terminated or nonrenewed franchise, and the
 21 denominator of the fraction shall consist of the
 22 franchisor’s total gross sales, in the most recently
 23 completed fiscal year, in this state.
 24 2. Loss of goodwill.
 25 3. Loss of profits, which loss shall be presumed
 26 to be no less than five times the profit obtained by
 27 the franchised distributor, by virtue of the
 28 terminated franchise, in the most recently completed
 29 fiscal year.
 30 4. All other damages allowed under the law of this
 31 state.
 32 5. Reasonable attorney fees and expenses incurred
 33 in the action or actions brought pursuant to this
 34 chapter.”
 35 2. By renumbering as necessary.

HOLVECK of Polk

H-5296

- 1 Amend House File 2472 as follows:
 2 1. Page 26, line 27, by striking the word
 3 “medium” and inserting the following: “minimum”.
 4 2. Page 26, line 31, by striking the figure

5 "36,000,000" and inserting the following:
 6 "24,000,000".
 7 3. Page 27, by inserting after line 2 the
 8 following:
 9 "Sec. ____ DEPARTMENT OF CORRECTIONS — JUVENILE
 10 DETENTION FACILITY. The department of corrections
 11 shall construct a 250-bed juvenile detention facility.
 12 Bonds shall be issued under the provisions of sections
 13 16.177 and 602.8108A to finance the construction of
 14 the facility. The cost of constructing the facility,
 15 exclusive of financing costs, shall not exceed
 16 \$12,000,000."
 17 4. By renumbering as necessary.

SCHRADER of Marion

H-5297

1 Amend House File 2472 as follows:
 2 1. Page 1, by striking lines 15 and 16 and
 3 inserting the following:
 4 "..... \$ 259,407
 5 FTEs 6.00"
 6 2. Page 2, line 4, by inserting after the word
 7 "techniques" the following: ", and shall use a
 8 portion of the funds appropriated in this subsection
 9 for the coordination and implementation of specialized
 10 services concerning crimes against persons".
 11 3. Page 4, by striking lines 18 through 32.
 12 4. By renumbering as necessary.

JOCHUM of Dubuque
 BURNETT of Story

H-5301

1 Amend House File 2292 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. 1995 Iowa Acts, chapter 124, section
 5 24, is amended to read as follows:
 6 SEC. 24. TRANSFER OF RECORDS. All records in the
 7 custody of the clerk of the district court which
 8 relate to vital statistics duties being transferred to
 9 the county recorder or a successor county officer
 10 shall be transferred to the county recorder or a
 11 successor county officer on the effective date of this
 12 Act. All vital statistics records in the custody of
 13 the county recorder or a successor officer shall be
 14 reasonably accessible to the public as provided by
 15 rules adopted pursuant to chapter 144 and shall remain
 16 in the county of origin."
 17 2. Title page, by striking lines 1 and 2 and
 18 inserting the following: "An Act relating to vital

19 statistics records under the custody of the county
20 recorder.”

RANTS of Woodbury

H-5304

1 Amend the amendment, H-5260, to House File 2235 as
2 follows:

3 1. By striking page 1, line 4, through page 3,
4 line 9, and inserting the following:

5 “Section 1. Section 523H.5, Code Supplement 1995,
6 is amended to read as follows:

7 523H.5 TRANSFER OF FRANCHISE.

8 1. A franchisee may transfer the franchised
9 business and franchise to a transferee, provided that
10 the transferee satisfies the reasonable current
11 qualifications of the franchisor for new franchisees.
12 For the purposes of this section, a reasonable current
13 qualification for a new franchisee is a qualification
14 based upon a legitimate business reason. If the
15 proposed transferee does not meet the reasonable
16 current qualifications of the franchisor, the
17 franchisor may refuse to permit the transfer, provided
18 that the refusal of the franchisor to consent to the
19 transfer is not arbitrary or capricious when compared
20 to the actions of the franchisor in other similar
21 circumstances.

22 2. Except as otherwise provided in this section, a
23 franchisor may exercise a right of first refusal
24 contained in a franchise agreement after receipt of a
25 proposal from the franchisee to transfer the
26 franchise.

27 3. A franchisor may require as a condition of a
28 transfer any of the following:

29 a. That the transferee successfully complete a
30 reasonable training program.

31 b. That a reasonable transfer fee be paid to
32 reimburse the franchisor for the franchisor's
33 reasonable and actual expenses directly attributable
34 to the transfer.

35 c. That the franchisee pay or make provision
36 reasonably acceptable to the franchisor to pay any
37 amount due the franchisor or the franchisor's
38 affiliate.

39 ~~d. That the financial terms of the transfer comply~~
40 ~~at the time of the transfer with the franchisor's~~
41 ~~current financial requirements for franchisees.~~

42 4. A franchisor shall not withhold consent to a
43 franchisee making a public offering of the
44 franchisee's securities without good cause, provided
45 the franchisee or the owners of the franchise retain
46 control of more than fifty percent of the voting power
47 in the franchise.

48 5. A franchisee may transfer the franchisee's
49 interest in the franchise, for the unexpired term of
50 the franchise agreement, and a franchisor shall not

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1 require the franchisee or the transferee to enter into
2 a new or different franchise agreement as a condition
3 of the transfer.

4 5-6. A franchisee shall give the franchisor no
5 less than sixty days' written notice of a transfer
6 which is subject to the provisions of this section,
7 and on request from the franchisor shall provide in
8 writing the ownership interests of all persons holding
9 or claiming an equitable or beneficial interest in the
10 franchise subsequent to the transfer or the
11 franchisee, as appropriate. A franchisee shall not
12 circumvent the intended effect of a contractual
13 provision governing the transfer of the franchise or
14 an interest in the franchise by means of a management
15 agreement, lease, profit-sharing agreement,
16 conditional assignment, or other similar device.

17 6-7. A franchisor shall not transfer its interest
18 in a franchise unless the franchisor makes reasonable
19 provision for the performance of the franchisor's
20 obligations under the franchise agreement by the
21 transferee. ~~For purposes of this subsection,~~
22 ~~"reasonable provision" means that upon the transfer,~~
23 ~~the entity assuming the franchisor's obligations has~~
24 ~~the financial means to perform the franchisor's~~
25 ~~obligations in the ordinary course of business, but~~
26 ~~does not mean that the franchisor transferring the~~
27 ~~franchise is required to guarantee obligations of the~~
28 ~~underlying franchise agreement. A franchisor shall~~
29 provide the franchisee notice of a proposed transfer
30 of the franchisor's interest in the franchise at the
31 time the disclosure is required of the franchisor
32 under applicable securities laws, if interests in the
33 franchisor are publicly traded, or if not publicly
34 traded, at the time such disclosure would be required
35 if the interests in the franchisor were publicly
36 traded.

37 7-8. A transfer by a franchisee is deemed to be
38 approved sixty days after the franchisee submits the
39 request for consent to the transfer unless the
40 franchisor withholds consent to the transfer as
41 evidenced in writing, specifying the reason or reasons
42 for withholding the consent. The written notice must
43 be delivered to the franchisee prior to the expiration
44 of the sixty-day period. Any such notice is
45 privileged and is not actionable based upon a claim of
46 defamation.

47 8-9. A franchisor shall not discriminate against

48 a proposed transferee of a franchise on the basis of
49 race, color, national origin, religion, sex, or
50 disability.

Page 3

1 9. 10. A franchisor, as a condition to a transfer
2 of a franchise, shall not obligate a franchisee to
3 undertake obligations or relinquish any rights
4 unrelated to the franchise proposed to be transferred,
5 or to enter into a release of claims broader than a
6 similar release of claims by the franchisor against
7 the franchisee which is entered into by the
8 franchisor.

9 ~~10.~~ 11. A franchisor, after a transfer of a
10 franchise, shall not seek to enforce any covenant of
11 the transferred franchise against the transferor which
12 prohibits the transferor from engaging in any lawful
13 occupation or enterprise. However, this subsection
14 does not prohibit the franchisor from enforcing a
15 contractual covenant against the transferor not to
16 exploit the franchisor's trade secrets or intellectual
17 property rights, unless otherwise agreed to by the
18 parties.

19 ~~11.~~ 12. For purposes of this section, "transfer"
20 means any change in ownership or control of a
21 franchise, franchised business, or a franchisee.

22 ~~12.~~ 13. The following occurrences shall not be
23 considered transfers requiring the consent of the
24 franchisor under a franchise agreement, and shall not
25 result in the imposition of any penalties or make
26 applicable any right of first refusal by the
27 franchisor:

28 a. The succession of ownership of a franchise upon
29 the death or disability of a franchisee, or of an
30 owner of a franchise, to the surviving franchisee's
31 spouse, heir child or children, or a partner active in
32 the management of the franchisee unless the successor
33 fails to meet within one year the then current
34 reasonable qualifications of the franchisor for
35 franchisees and the enforcement of the reasonable
36 current qualifications is not arbitrary or capricious
37 when compared to actions of the franchisor in other
38 similar circumstances.

39 b. The succession of a spouse, child, partner, or
40 other owner as operating manager upon the death or
41 disability of the operating manager, unless the
42 successor fails to meet the then current reasonable
43 qualifications of the franchisor for an operating
44 manager, and enforcement of the reasonable current
45 qualifications is not arbitrary or capricious when
46 compared to actions of the franchisor in other similar
47 circumstances.

48 c. Incorporation of a proprietorship franchisee,
49 provided that such incorporation does not prohibit a
50 franchisor from requiring a personal guaranty by the

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1 franchisee of obligations related to the franchise.

2 e. d. A transfer within an existing ownership
3 group of a franchise provided that more than fifty
4 percent of the franchise is held by persons who meet
5 the franchisor's reasonable current qualifications for
6 franchisees. If less than fifty percent of the
7 franchise would be owned by persons who meet the
8 franchisor's reasonable current qualifications, the
9 franchisor may refuse to authorize the transfer,
10 provided that enforcement of the reasonable current
11 qualifications is not arbitrary or capricious when
12 compared to actions of the franchisor in other similar
13 circumstances.

14 d. e. A transfer of less than a controlling
15 interest in the franchise to the franchisee's spouse
16 or child or children, provided that more than fifty
17 percent of the entire franchise is held by those who
18 meet the franchisor's reasonable current
19 qualifications. If less than fifty percent of the
20 franchise would be owned by persons who meet the
21 franchisor's reasonable current qualifications, the
22 franchisor may refuse to authorize the transfer,
23 provided that enforcement of the reasonable current
24 qualifications is not arbitrary or capricious when
25 compared to actions of the franchisor in other similar
26 circumstances.

27 e. f. A transfer of less than a controlling
28 interest in the franchise of an employee stock
29 ownership plan, or employee incentive plan, provided
30 that more than fifty percent of the entire franchise
31 is held by those who meet the franchisor's reasonable
32 current qualifications for franchisees. If less than
33 fifty percent would be owned by persons who meet the
34 franchisor's reasonable current qualifications, the
35 franchisor may refuse to authorize the transfer,
36 provided that enforcement of the reasonable current
37 qualifications is not arbitrary or capricious when
38 compared to actions of the franchisor in other similar
39 circumstances.

40 f. g. A grant or retention of a security interest
41 in the franchised business or its assets, or an
42 ownership interest in the franchisee, provided the
43 security agreement establishes an obligation on the
44 part of the secured party enforceable by the
45 franchisor to give the franchisor notice of the
46 secured party's intent to foreclose on the collateral
47 simultaneously with notice to the franchisee, and a

48 reasonable opportunity to redeem the interests of the
 49 secured party and recover the secured party's interest
 50 in the franchise or franchised business by paying the

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1 secured obligation.
 2 ~~13.~~ 14. A franchisor shall not interfere or
 3 attempt to interfere with any disposition of an
 4 interest in a franchise or franchised business as
 5 described in subsection ~~12~~ 13, paragraphs "a" through
 6 "~~f~~" "~~g~~."
 7 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5306

1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:
 3 1. Page 2, by striking lines 30 through 33 and
 4 inserting the following: "or partner cures any new
 5 breach of the agreement cited during the one-year
 6 period."

WEIGEL of Chickasaw

H-5307

1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:
 3 1. By striking page 5, line 35, through page 6,
 4 line 47, and inserting the following:
 5 "Sec. ____ Section 523H.7, Code Supplement 1995,
 6 is amended to read as follows:
 7 523H.7 TERMINATION.
 8 1. Except as otherwise provided by this chapter, a
 9 franchisor shall not terminate a franchise prior to
 10 the expiration of its term except for good cause. For
 11 purposes of this section, "good cause" is cause based
 12 upon a legitimate business reason. "Good cause"
 13 includes the failure of the franchisee to comply with
 14 any material lawful requirement of the franchise
 15 agreement, provided that the termination by the
 16 franchisor is not arbitrary or capricious when
 17 compared to the actions of the franchisor in other
 18 similar circumstances. ~~The burden of proof of showing~~
 19 ~~that action of the franchisor is arbitrary or~~
 20 ~~capricious shall rest with the franchisee.~~
 21 2. Prior to termination of a franchise for good
 22 cause, a franchisor shall provide a franchisee with
 23 written notice stating the basis for the proposed
 24 termination. After service of written notice, the
 25 franchisee shall have a reasonable period of time to
 26 cure the default, which in no event shall be less than

27 thirty days or more than ninety days. In the event of
 28 nonpayment of moneys due under the franchise
 29 agreement, the period to cure need not exceed thirty
 30 days.

31 3. Notwithstanding subsection 2, a franchisor may
 32 terminate a franchisee upon written notice and without
 33 an opportunity to cure if any of the following apply:

34 a. The franchisee or the business to which the
 35 franchise relates is declared bankrupt or judicially
 36 determined to be insolvent.

37 b. ~~All or a substantial part of the assets of the~~
 38 ~~franchise or the business to which the franchisee~~
 39 ~~relates are assigned to or for the benefit of any~~
 40 ~~creditor which is subject to chapter 681. An~~
 41 ~~assignment for the benefit of any creditor pursuant to~~
 42 ~~this paragraph does not include the granting of a~~
 43 ~~security interest in the normal course of business.~~

44 e. b. The franchisee voluntarily abandons the
 45 franchise by failing to operate the business for five
 46 consecutive business days during which the franchisee
 47 is required to operate the business under the terms of
 48 the franchise, or any shorter period after which it is
 49 not unreasonable under the facts and circumstances for
 50 the franchisor to conclude that the franchisee does

Page 2

1 not intend to continue to operate the franchise,
 2 unless the failure to operate is due to circumstances
 3 beyond the control of the franchisee.

4 d. c. The franchisor and franchisee agree in
 5 writing to terminate the franchise.

6 e. d. The franchisee knowingly makes any material
 7 misrepresentations or knowingly omits to state any
 8 material facts relating to the acquisition or
 9 ownership or operation of the franchise business.

10 f. ~~After three material breaches of a franchise~~
 11 ~~agreement occurring within a twelve month period, for~~
 12 ~~which the franchisee has been given notice and an~~
 13 ~~opportunity to cure, the franchisor may terminate upon~~
 14 ~~any subsequent material breach within the twelve month~~
 15 ~~period without providing an opportunity to cure,~~
 16 ~~provided that the action is not arbitrary and~~
 17 ~~capricious.~~

18 e. The franchisee repeatedly fails to comply with
 19 the same material provision of a franchise agreement,
 20 when the enforcement of the material provision by the
 21 franchisor is not arbitrary or capricious when
 22 compared to the actions of the franchisor in other
 23 similar circumstances.

24 g. f. The franchised business or business premises
 25 of the franchisee are lawfully seized, taken over, or
 26 foreclosed by a government authority or official.

- 27 h. g. The franchisee is convicted of a felony or
 28 any other criminal misconduct which materially and
 29 adversely affects the operation, maintenance, or
 30 goodwill of the franchise in the relevant market.
 31 i. h. The franchisee operates the franchised
 32 business in a manner that imminently endangers the
 33 public health and safety.”
 34 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5308

- 1 Amend House File 2466 as follows:
 2 1. Page 15, by inserting after line 21 the
 3 following:
 4 “DIVISION
 5 Sec. ____ Section 404.5, Code 1995, is amended by
 6 adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. For the purposes of this
 8 section, the actual value of the property upon which
 9 the value of the improvements shall be determined
 10 shall be the lower of either the amount listed on the
 11 assessment rolls in the assessment year in which the
 12 improvements are first begun or the price paid by the
 13 owner if the improvements were begun within three
 14 years of the date the property was purchased and the
 15 sale was a fair and reasonable exchange between a
 16 willing buyer and a willing seller, neither being
 17 under any compulsion to buy or sell and each being
 18 familiar with all the facts relating to the particular
 19 property.
 20 Sec. ____ APPLICABILITY. This division applies to
 21 tax exemptions granted under chapter 404 for
 22 improvements to real property first begun on or after
 23 January 1, 1995.”
 24 2. Title page, line 3, by inserting after the
 25 word “effective” the following: “and applicability”.
 26 3. By renumbering as necessary.

GRUNDBERG of Polk

H-5310

- 1 Amend House File 2471 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 “offense” the following: “which is a felony and for
 4 which the person was incarcerated”.
 5 2. Page 1, line 8, by striking the word
 6 “includes” and inserting the following: “is limited
 7 to those”.
 8 3. Page 1, line 26, by inserting after the word
 9 “conviction” the following: “not to exceed fifty
 10 thousand dollars”.
 11 4. Page 1, line 33, by inserting after the word

- 12 "future" the following: "earnings or".
 13 5. Page 1, by inserting after line 34 the
 14 following:
 15 "The state shall have a right of subrogation
 16 against any person who facilitated the miscarriage of
 17 justice through false testimony or otherwise."
 18 6. Page 2, by striking lines 2 and 3 and
 19 inserting the following: "the following:
 20 a. That the person did not commit the offense for
 21 which the person was convicted.
 22 b. That the criminal offense for which the person
 23 was convicted is a felony and that the person was
 24 incarcerated following conviction.
 25 c. That the conviction was reversed or vacated on
 26 the grounds set out in section 669A.1.
 27 Negligence or misconduct on the part of".
 28 7. Page 2, lines 13 and 14, by striking the words
 29 "the person's conviction is reversed by an appellate
 30 court".
 31 8. Page 2, line 17, by inserting after the word
 32 "incarcerated" the following: "for any criminal
 33 offense".
 34 9. Page 2, line 19, by inserting after the word
 35 "parole" the following: "for any criminal offense".
 36 10. Page 2, line 21, by inserting after the word
 37 "proceeding" the following: "for which the
 38 miscarriage of justice is claimed".
 39 11. Page 2, by inserting after line 21 the
 40 following:
 41 "d. The conviction for which the miscarriage of
 42 justice is claimed was not a felony for which the
 43 person was incarcerated.
 44 e. The conviction was not reversed or vacated as
 45 required in section 669A.1."
 46 12. Title page, line 2, by inserting after the
 47 word "justice" the following: "and providing an
 48 appropriation".

DINKLA of Guthrie
 BERNAU of Story

H-5311

- 1 Amend House File 2285 as follows:
 2 1. Page 1, by striking lines 1 through 28 and
 3 inserting the following:
 4 "Sec. ____ Section 237A.5, subsection 2, Code
 5 1995, is amended to read as follows:
 6 2. a. If a person is being considered for
 7 licensure or registration under this chapter, or for
 8 employment involving direct responsibility for a child
 9 or with access to a child when the child is alone, by
 10 a child day care facility subject to licensure or
 11 registration under this chapter or by an unregistered

12 family day care home, a person is an unregistered
 13 provider of child day care, or if a person will reside
 14 in a facility or an unregistered family day care home,
 15 and if the person has been convicted of a crime or has
 16 a record of founded child abuse, the department and
 17 the licensee, or registrant, or unregistered family
 18 day care home for an employee of the licensee or,
 19 registrant, or unregistered family day care home shall
 20 perform an evaluation to determine whether the crime
 21 or founded child abuse warrants prohibition of
 22 licensure, registration, operation as an unregistered
 23 provider of child day care, employment, or residence
 24 in the facility or unregistered family day care home.
 25 The department shall conduct criminal and child abuse
 26 record checks in this state and may conduct these
 27 checks in other states. The evaluation shall be
 28 performed in accordance with procedures adopted for
 29 this purpose by the department.

30 b. If the department determines that a person has
 31 committed a crime or has a record of founded child
 32 abuse and is licensed, is employed by a licensee or,
 33 registrant, or unregistered family day care home, is
 34 an unregistered provider of child day care, or is
 35 registered under this chapter, or resides in a
 36 licensed or registered facility or an unregistered
 37 family day care home, the department shall notify the
 38 licensee or, registrant, or unregistered family day
 39 care home that an evaluation will be conducted to
 40 determine whether prohibition of the person's
 41 licensure, registration, employment, or residence, or
 42 operation as an unregistered provider of child day
 43 care is warranted.

44 c. In an evaluation, the department and the
 45 licensee or, registrant, or unregistered provider of
 46 child day care for an employee of the licensee or,
 47 registrant, or unregistered family day care home shall
 48 consider the nature and seriousness of the crime or
 49 founded child abuse in relation to the position sought
 50 or held, the time elapsed since the commission of the

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1 crime or founded child abuse, the circumstances under
 2 which the crime or founded child abuse was committed,
 3 the degree of rehabilitation, the likelihood that the
 4 person will commit the crime or founded child abuse
 5 again, and the number of crimes or founded child
 6 abuses committed by the person involved. The
 7 department may permit a person who is evaluated to be
 8 licensed, registered, employed, or to reside, or to
 9 continue to be licensed, registered, or employed, to
 10 operate as an unregistered provider of child day care,
 11 or to reside in a licensed facility or unregistered

12 family day care home, if the person complies with the
 13 department's conditions relating to the person's
 14 licensure, registration, employment, operation as an
 15 unregistered provider of child day care, or residence,
 16 which may include completion of additional training.
 17 For an employee of a licensee or, registrant, or
 18 unregistered family day care home, these conditional
 19 requirements shall be developed with the licensee or,
 20 registrant, or unregistered family day care home. The
 21 department has final authority in determining whether
 22 prohibition of the person's licensure, registration,
 23 employment, operation as an unregistered provider of
 24 child day care, or residence is warranted and in
 25 developing any conditional requirements under this
 26 paragraph.

27 d. If the department determines that the person
 28 has committed a crime or has a record of founded child
 29 abuse which warrants prohibition of licensure,
 30 registration, employment, operation as an unregistered
 31 provider of child day care, or residence, the person
 32 shall not be licensed or registered under this chapter
 33 to operate a child day care facility, shall not
 34 operate as an unregistered provider of child day care,
 35 and shall not be employed by a licensee or registrant
 36 or reside in a facility licensed or registered under
 37 this chapter, or in an unregistered family day care
 38 home.

39 Sec. ____ Section 237A.5, subsections 4 and 5,
 40 Code 1995, are amended to read as follows:

41 4. On or after July 1, 1994, a licensee or,
 42 registrant, or unregistered provider of child day care
 43 shall inform all new applicants for employment of the
 44 possibility of the performance of a record check and
 45 shall obtain, from the applicant, a signed
 46 acknowledgment of the receipt of the information.

47 5. On or after July 1, 1994, a licensee or,
 48 registrant, or unregistered provider of child day care
 49 shall include the following inquiry in an application
 50 for employment: "Do you have a record of founded

Page 3

1 child or dependent adult abuse or have you ever been
 2 convicted of a crime, in this state or any other
 3 state?"

4 2. Title page, by striking lines 1 through 4 and
 5 inserting the following: "An Act requiring criminal
 6 records and abuse registry checks of unregistered
 7 providers of child day care."

8 3. By renumbering as necessary.

H-5312

1 Amend the amendment, H-5284, to House File 2472 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 “_ Page 22, by inserting after line 1 the
 6 following:
 7 “Sec. 100. STATE PUBLIC DEFENDER – SUPPLEMENTAL
 8 APPROPRIATION. There is appropriated from the general
 9 fund of the state to the office of the state public
 10 defender of the department of inspections and appeals
 11 for the fiscal year beginning July 1, 1995, and ending
 12 June 30, 1996, to supplement the appropriation made in
 13 1995 Iowa Acts, chapter 207, section 16, subsection 2,
 14 the following amount, or so much thereof as is
 15 necessary, to be used for the purpose designated:
 16 For court-appointed attorney fees for indigent
 17 adults and juveniles, as specified in law by the
 18 general assembly:
 19 \$ 6,400,000”
 20 2. Page 1, by inserting after line 19 the
 21 following:
 22 “_ Page 30, by inserting after line 19 the
 23 following:
 24 “_ Section 100 of this Act, providing a
 25 supplemental appropriation to the state public
 26 defender, being deemed of immediate importance, takes
 27 effect upon enactment.””

MILLAGE of Scott

H-5313

1 Amend House File 2298 as follows:
 2 1. Page 1, line 4, by striking the words
 3 “Notwithstanding section 514C.6, a” and inserting the
 4 following: “A”.

LARSON of Linn

H-5314

1 Amend the amendment, H-5102, to House File 2298, as
 2 follows:
 3 1. Page 1, line 3, by striking the word “clause.”
 4 and inserting the following: “clause and inserting
 5 the following:
 6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS.
 7 A managed care health plan or indemnity plan with a
 8 limited provider network may limit patient access to
 9 each type of physician, as defined in section 135.1
 10 and licensed under chapter 148, 150A, or 151, based
 11 upon the needs of the plan.
 12 Access to a specialist may be conditioned upon a

13 referral by a provider licensed under chapter 148 or
14 150A.””

LARSON of Linn

H-5315

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:
3 1. Page 1, line 3, by striking the word “clause.”
4 and inserting the following: “clause and inserting
5 the following:
6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS.
7 Notwithstanding section 514C.6, a managed care
8 health plan or indemnity plan with a limited provider
9 network may set credentialling standards for each type
10 of physician, as defined in section 135.1 and licensed
11 under chapter 148, 150A, or 151.
12 Access to a specialist may be subject to a
13 different copayment or deductible than access to a
14 primary care provider.””

LARSON of Linn

H-5316

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:
3 1. Page 1, line 3, by striking the word “clause.”
4 and inserting the following: “clause and inserting
5 the following:
6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS.
7 A managed care health plan or indemnity plan with a
8 limited provider network may set credentialling
9 standards for each type of physician, as defined in
10 section 135.1 and licensed under chapter 148, 150A,
11 and 151.
12 Access to a specialist may be subject to a
13 different copayment or deductible than access to a
14 primary care provider.””

LARSON of Linn

H-5317

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:
3 1. Page 1, line 3, by striking the word “clause.”
4 and inserting the following: “clause and inserting
5 the following:
6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS.
7 Notwithstanding section 514C.6, a managed care
8 health plan or indemnity plan with a limited provider
9 network may limit patient access to each type of
10 physician, as defined in section 135.1 and licensed
11 under chapter 148, 150A, or 151, based upon the needs
12 of the plan.
13 Access to a specialist may be conditioned upon a

14 referral by a provider licensed under chapter 148 or
 15 150A. Access to a specialist may be subject to a
 16 different copayment or deductible than access to a
 17 primary care provider.””

LARSON of Linn

H-5318

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:
 3 1. Page 1, line 3, by striking the word “clause.”
 4 and inserting the following: “clause and inserting
 5 the following:
 6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS.
 7 A managed care health plan or indemnity plan with a
 8 limited provider network may limit patient access to
 9 each type of physician, as defined in section 135.1
 10 and licensed under chapter 148, 150A, or 151, based
 11 upon the needs of the plan.
 12 Access to a specialist may be conditioned upon a
 13 referral by a provider licensed under chapter 148 or
 14 150A. Access to a specialist may be subject to a
 15 different copayment or deductible than access to a
 16 primary care provider.””

LARSON of Linn

H-5319

1 Amend the amendment, H-5102, to House File 2298, as
 2 follows:
 3 1. Page 1, line 3, by striking the word “clause.”
 4 and inserting the following: “clause and inserting
 5 the following:
 6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS.
 7 Notwithstanding section 514C.6, a managed care
 8 health plan or indemnity plan with a limited provider
 9 network may limit patient access to each type of
 10 physician, as defined in section 135.1 and licensed
 11 under chapter 148, 150A, or 151, based upon the needs
 12 of the plan.
 13 Access to a specialist may be conditioned upon a
 14 referral by a provider licensed under chapter 148 or
 15 150A.””

LARSON of Linn

H-5320

1 Amend House File 2298 as follows:
 2 1. Page 2, by inserting after line 7 the
 3 following:
 4 “Sec. ____ Section 509.3, subsection 7, Code 1995,
 5 is amended by striking the subsection.”
 6 2. Renumber as necessary.

LARSON of Linn

H-5321

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, by striking lines 28 through 32.

LARSON of Linn

H-5322

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, by striking lines 7 through 27 and
- 3 inserting the following: "defined in section 135.1
- 4 and licensed under chapter 148 or 150A."
- 5 2. Page 2, line 7, by striking the word and
- 6 figures " , 150A, or 151" and inserting the following:
- 7 "or 150A".

LARSON of Linn

H-5323

- 1 Amend House File 2298 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ Section 151.3, Code 1995, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 4. Present satisfactory evidence
- 7 that the applicant has successfully completed one year
- 8 of postgraduate internship or resident training in a
- 9 hospital approved for such training by the board of
- 10 medical examiners established in chapter 147.
- 11 Sec. ____ Section 509.3, subsection 7, Code 1995,
- 12 is amended by striking the subsection."
- 13 2. Renumber as necessary.

LARSON of Linn

H-5324

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "clause."
- 4 and inserting the following: "clause and inserting
- 5 the following:
- 6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS.
- 7 Notwithstanding section 514C.6, a managed care
- 8 health plan or indemnity plan with a limited provider
- 9 network may limit patient access to each type of
- 10 physician, as defined in section 135.1 and licensed
- 11 under chapter 148, 150A, or 151, based upon the needs
- 12 of the plan.
- 13 Sec. 2. Section 509.3, subsection 7, Code 1995, is
- 14 amended by striking the subsection."

LARSON of Linn

H-5326

- 1 Amend House File 2412 as follows:
 2 1. Page 1, by striking lines 7 and 8 and
 3 inserting the following: "m", "n", "o", or "p",
 4 shall equal be paid during the number of weeks in
 5 relation to five hundred weeks and shall be
 6 compensated as such as the disability bears to the
 7 body of the injured employee as a whole, however, if
 8 said the employee is".
 9 2. By renumbering as necessary.

MURPHY of Dubuque

H-5332

- 1 Amend House File 2447 as follows:
 2 1. Page 3, line 11, by inserting after the word
 3 "utilities" the following: "shall implement energy
 4 efficiency plans so that each utility's annual
 5 capacity and energy production is reduced by an amount
 6 equivalent to at least one percent of each utility's
 7 annual peak demand and at least one percent of each
 8 utility's annual energy sales and".

SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story
 HOLVECK of Polk
 DODERER of Johnson

H-5333

- 1 Amend House File 2447 as follows:
 2 1. Page 3, line 11, by inserting after the word
 3 "utilities" the following: "shall implement energy
 4 efficiency plans so that each utility's annual
 5 capacity and energy production is reduced by an amount
 6 equivalent to at least two percent of each utility's
 7 annual peak demand and at least two percent of each
 8 utility's annual energy sales and".

SHOULTZ of Black Hawk
 BURNETT of Story
 DODERER of Johnson
 HOLVECK of Polk
 MASCHER of Johnson

H-5334

- 1 Amend House File 2447 as follows:
 2 1. Page 3, line 18, by striking the words "An
 3 energy efficiency plan" and inserting the following:
 4 "The board".
 5 2. Page 3, line 22, by inserting after the word

- 6 "The" the following: "board shall determine for each
- 7 utility, specific capacity and energy savings
- 8 performance standards based on the board's assessment.
- 9 The energy efficiency".
- 10 3. Page 3, line 24, by striking the word
- 11 "savings" and inserting the following: "performance
- 12 standards".

SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story
 HOLVECK of Polk
 DODERER of Johnson

H-5335

- 1 Amend House File 2447 as follows:
- 2 1. Page 6, by striking lines 12 through 23 and
- 3 inserting the following:
- 4 "Sec. ____ Section 476A.6, subsection 5, Code
- 5 1995, is amended by striking the subsection and
- 6 inserting in lieu thereof the following:"

MASCHER of Johnson
 SHOULTZ of Black Hawk
 BURNETT of Story
 HOLVECK of Polk

H-5337

- 1 Amend House File 2477 as follows:
- 2 1. Page 35, by striking lines 2 through 10.

WARNSTADT of Woodbury

H-5340

- 1 Amend the amendment, H-5230, to House File 2449 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "committee" the following: "or a lobbyist registered
- 5 and reporting under chapter 68B".
- 6 2. Page 1, by striking lines 11 through 48.
- 7 3. By renumbering as necessary.

FALLON of Polk

H-5342

- 1 Amend House File 2447 as follows:
- 2 1. Page 3, line 17, by inserting after the word
- 3 "persons" the following: "including a cooperative
- 4 program with any community action agency within the
- 5 utility's service area to implement countywide or
- 6 communitywide energy efficiency programs for qualified

7 low-income persons”.

WEIGEL of Chickasaw
HOLVECK of Polk
MASCHER of Johnson
BURNETT of Story
SHOULTZ of Black Hawk

H-5345

- 1 Amend House File 2447 as follows:
2 1. Page 3, by striking line 11 and inserting the
3 following:
4 “a. Gas and electric utilities required to be
5 rate-regulated under this chapter shall file”.
6 2. Page 3, by striking lines 26 and 27 and
7 inserting the following: “review of energy efficiency
8 plans and budgets filed by gas and electric utilities
9 required to be rate-regulated under this chapter. The
10 board may approve.”.
11 3. Page 3, by striking line 34 and inserting the
12 following: “consumer advocate or a gas or electric
13 utility required to be rate-regulated under this
14 chapter.”.
15 4. Page 4, by striking line 11 and inserting the
16 following:
17 “e. A gas or electric utility required to be rate-
18 regulated under this chapter may”.

METCALF of Polk
THOMSON of Linn
NUTT of Woodbury
TAYLOR of Linn

H-5348

- 1 Amend House File 2477 as follows:
2 1. Page 12, line 33, by striking the figure
3 “74,156” and inserting the following: “104,156”.

NELSON of Pottawattamie
DREES of Carroll
WARNSTADT of Woodbury

H-5357

- 1 Amend House File 2447 as follows:
2 1. Page 3, line 1, by inserting after the word
3 “cost-effective.” the following: “For purposes of
4 determining the cost-effectiveness of an energy
5 efficiency plan pursuant to this subsection, any
6 measure of cost-effectiveness shall be analytically
7 derived in terms of reduction in the overall energy
8 expenditures by aggregated energy-using sections of

9 the state economy, and enhancement of direct
 10 disposable income, gross domestic product, and new job
 11 creation in comparison with those same measures
 12 applied to expenditures for conventional energy supply
 13 reserves that are displaced by the efficiency measure.
 14 These cost-effective indicators shall be analytically
 15 derived by multisector econometric analysis conducted
 16 by the utilities board. This analysis shall be
 17 revised annually to conform to improved methodologies
 18 and to incorporate improved input assumptions as
 19 experience is gained and new data becomes available.
 20 Energy efficiency plans containing programs designed
 21 to accelerate the market transformation of efficiency
 22 technologies shall be judged cost-effective on the
 23 basis of expected costs and benefits after attaining
 24 market acceptance."

HOLVECK of Polk
 DODERER of Johnson
 SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story

H-5365

- 1 Amend House File 2447 as follows:
 2 1. Page 5, by inserting after line 31 the
 3 following:
 4 "Sec. ____ Section 476.78, Code 1995, is amended
 5 to read as follows:
 6 476.78 CROSS-SUBSIDIZATION PROHIBITED.
 7 A rate-regulated gas or electric public utility
 8 shall not directly or indirectly include any costs or
 9 expenses attributable to providing nonutility service
 10 in regulated rates or charges. Except for current
 11 terms of existing contractual obligations as exempted
 12 by the board, the utility or its affiliates shall not,
 13 in providing nonutility services, in any manner use
 14 the utility's name or logo, or any property,
 15 equipment, or facilities included as part of the
 16 utility's rate base, or any employees, other than
 17 corporate officers, including those of the utility's
 18 affiliates, whose salaries or benefits or both are
 19 included to any extent as expenses recoverable in a
 20 rate case proceeding, unless the utility is providing
 21 a nonutility service in a community that does not have
 22 adequate provision of nonutility services. The board
 23 shall adopt rules to determine whether a community has
 24 adequate provision of nonutility services."
 25 2. Title page, line 2, by inserting after the
 26 word "mandates" the following: "and cross-
 27 subsidization".
 28 3. By renumbering as necessary.

FALLON of Polk

H-5366

1 Amend House File 2477 as follows:
2 1. Page 3, by inserting after line 25 the
3 following:
4 "Sec. 101. Not later than September 1, 1996, the
5 college student aid commission shall compile a list of
6 affected students receiving tuition grants during the
7 fiscal year beginning July 1, 1995, and who
8 transferred from a nonaccredited to an accredited
9 private institution for the fiscal year beginning July
10 1, 1996. If the student meets all financial aid
11 criteria as set forth by the commission, the
12 transferring affected student may continue to receive
13 a tuition grant for the fiscal year beginning July 1,
14 1996. The commission shall calculate the funds
15 remaining from tuition grants awarded to affected
16 students who do not transfer to an accredited private
17 institution in the fiscal year beginning July 1, 1996.
18 Notwithstanding section 261.25, subsection 1, of these
19 remaining funds, the first \$150,000 shall be used to
20 provide loan forgiveness for individuals who meet the
21 requirements of section 261.71, and any excess
22 remaining funds shall be used for tuition grants. For
23 purposes of this paragraph, "affected student" means a
24 qualified student for whom payment of a tuition grant
25 was made under section 261.13 for one or more
26 semesters or trimesters while the student was
27 attending a private institution which was accredited
28 as defined in section 261.9 for the fiscal year
29 beginning July 1, 1995, but which does not meet the
30 requirements for an accredited private institution for
31 the fiscal year beginning July 1, 1996."
32 2. By renumbering, relettering, and redesignating
33 as necessary.

VAN FOSSEN of Scott
MARTIN of Scott
MILLAGE of Scott
GRUBBS of Scott
HARRISON of Scott
BRADLEY of Clinton

H-5367

1 Amend Senate File 2140, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 7 through 10 and
4 inserting the following: "~~administration and this~~
5 ~~state (23 U.S.C. § 103(e) is sixty-five~~ fifty-five
6 miles per hour. However, the department or cities
7 with".

RANTS of Woodbury

H-5368

1 Amend House File 2477 as follows:

2 1. Page 3, by inserting after line 25 the
3 following:

4 "Sec. 201. Not later than September 1, 1996, the
5 college student aid commission shall compile a list of
6 affected students receiving tuition grants during the
7 fiscal year beginning July 1, 1995, and who
8 transferred from a nonaccredited to an accredited
9 private institution for the fiscal year beginning July
10 1, 1996. If the student meets all financial aid
11 criteria as set forth by the commission, the
12 transferring affected student may continue to receive
13 a tuition grant for the fiscal year beginning July 1,
14 1996. The commission shall calculate the funds
15 remaining from tuition grants awarded to affected
16 students who do not transfer to an accredited private
17 institution in the fiscal year beginning July 1, 1996.
18 Notwithstanding section 261.25, subsection 1, these
19 funds shall be used to provide loan forgiveness for
20 individuals who meet the requirements of section
21 261.71. For purposes of this paragraph, "affected
22 student" means a qualified student for whom payment of
23 a tuition grant was made under section 261.13 for one
24 or more semesters or trimesters while the student was
25 attending a private institution which was accredited
26 as defined in section 261.9 for the fiscal year
27 beginning July 1, 1995, but which does not meet the
28 requirements for an accredited private institution for
29 the fiscal year beginning July 1, 1996."

30 2. Page 32, by inserting after line 25 the
31 following:

32 "Sec. 202. NEW SECTION. 261.71 FORGIVABLE LOANS
33 FOR IOWA RESIDENTS ATTENDING OUT-OF-STATE
34 POSTSECONDARY INSTITUTIONS.

35 1. A forgivable loan program is established for
36 residents of Iowa who are attending out-of-state
37 accredited postsecondary institutions. The program
38 shall be administered by the college student aid
39 commission. A resident of Iowa attending an out-of
40 state accredited postsecondary institution is eligible
41 for loan forgiveness under the program if the student
42 meets all of the following conditions:

43 a. The program of study in which the student is
44 enrolled is not offered by an institution of higher
45 learning under the control of the state board of
46 regents, a community college established under chapter
47 260C, or an accredited private institution as defined
48 in section 261.9, subsection 1.

49 b. The student graduates from a postsecondary
50 institution accredited by an accrediting agency

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1 recognized by the United States department of
2 education or a successor agency.

3 c. The student has practiced or been employed in
4 Iowa for five years in the area for which the student
5 received a degree from the accredited postsecondary
6 institution as provided under this section.

7 d. The student has received a loan from moneys
8 appropriated to the college student aid commission for
9 loans under this program.

10 2. Of the moneys loaned to an eligible student,
11 for each year of up to and including five years of
12 practice or employment in Iowa as provided in
13 subsection 1, paragraph "c", an amount equal to twenty
14 percent of the original principal and the
15 proportionate share of accrued interest, or eight
16 hundred eighty dollars, whichever is greater, shall be
17 forgiven. If a student fails to complete a year of
18 practice or employment in the state, as practice or
19 employment is defined by the college student aid
20 commission, the loan amount for that year shall not be
21 forgiven. Forgivable loans made to eligible students
22 shall not become due, for repayment purposes, until
23 one year after the student has graduated or withdrawn
24 from the postsecondary institution. A loan that has
25 not been forgiven may be sold to a bank, savings and
26 loan association, credit union, or nonprofit agency
27 eligible to participate in the guaranteed student loan
28 program under the federal Higher Education Act of
29 1965, 20 U.S.C. § 1071 et seq., by the commission when
30 the loan becomes due for repayment.

31 3. The college student aid commission shall adopt
32 rules, consistent with rules used for students
33 enrolled in higher education institutions under the
34 control of the state board of regents, for purposes of
35 determining Iowa residency status of students under
36 this section. The commission shall also adopt rules
37 which provide standards, guidelines, and procedures
38 for the receipt, processing, and administration of
39 student applications and loans under this section.

40 Sec. 203. NEW SECTION. 261.72 OUT-OF-STATE
41 POSTSECONDARY LOAN REVOLVING FUND.

42 An out-of-state postsecondary loan revolving fund
43 is created in the state treasury as a separate fund
44 under the control of the commission. The commission
45 shall deposit payments made by Iowa residents who
46 received loans under section 261.71 and the proceeds
47 from the sale of loans made under section 261.71, less
48 costs of collection of delinquent loans which were
49 made under section 261.71, into the out-of-state
50 postsecondary loan revolving fund. Moneys credited to

Page 3

1 the fund shall be used to supplement moneys
2 appropriated for purposes of making loans under
3 section 261.71, and to pay for loan or interest
4 repayment defaults by eligible Iowa residents who
5 received loans under section 261.71. Notwithstanding
6 section 8.33, any balance in the fund on June 30 of
7 any fiscal year shall not revert to any revolving fund
8 but shall remain in the revolving fund for purposes of
9 the fund.”
10 3. By renumbering, relettering, and redesignating
11 as necessary.

DRAKE of Pottawattamie

H-5369

1 Amend Senate File 2140 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 7 through 10 and
4 inserting the following: “~~administration and this~~
5 ~~state (23 U.S.C. § 103(e) is sixty-five~~ forty-five
6 miles per hour. However, the department or cities
7 with”.

RANTS of Woodbury

H-5370

1 Amend House File 2477 as follows:
2 1. Page 3, by inserting after line 25 the
3 following:
4 “Sec. 101. Not later than September 1, 1996, the
5 college student aid commission shall compile a list of
6 affected students receiving tuition grants during the
7 fiscal year beginning July 1, 1995, who transferred
8 from a nonaccredited to an accredited private
9 institution for the fiscal year beginning July 1,
10 1996. If the student meets all financial aid criteria
11 as set forth by the commission, the transferring
12 affected student may continue to receive a tuition
13 grant for the fiscal year beginning July 1, 1996. The
14 commission shall calculate the funds remaining from
15 tuition grants awarded to affected students who do not
16 transfer to an accredited private institution in the
17 fiscal year beginning July 1, 1996. Notwithstanding
18 section 261.25, subsection 1, the first \$500,000 of
19 these remaining funds shall be used for vocational-
20 technical tuition grants as provided in section
21 261.17, the next \$500,000 shall be used for the work-
22 study program as provided in section 261.81, and any
23 excess remaining funds shall be used for tuition
24 grants. For purposes of this paragraph, “affected
25 student” means a qualified student for whom payment of

26 a tuition grant was made under section 261.13 for one
 27 or more semesters or trimesters while the student was
 28 attending a private institution which was accredited
 29 as defined in section 261.9 for the fiscal year
 30 beginning July 1, 1995, but which does not meet the
 31 requirements for an accredited private institution for
 32 the fiscal year beginning July 1, 1996.”
 33 2. By renumbering, relettering, and redesignating
 34 as necessary.

SHOULTZ of Black Hawk

H-5371

1 Amend Senate File 2140, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 10 through 13 and
 4 inserting the following: “multilaned highways.
 5 However, the department or ~~cities~~ a political
 6 subdivision with the approval of the department may
 7 establish a lower speed limit ~~upon such~~ for highways
 8 located within the ~~corporate limits of a city~~
 9 jurisdiction of the political subdivision. For the
 10 purposes of this subsection, a fully”.

HEATON of Henry
 BRAUNS of Muscatine
 MAIN of Jefferson

H-5372

1 Amend Senate File 2140, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 “Section 1. Section 321.210, subsection 2,
 6 paragraph d, Code 1995, is amended to read as follows:
 7 d. The first two speeding violations within any
 8 twelve-month period of ten miles per hour or less over
 9 the legal speed limit in speed zones having a legal
 10 speed limit ~~between thirty-four~~ equal to or greater
 11 than thirty-five miles per hour ~~and fifty-six miles~~
 12 ~~per hour.~~
 13 Sec. 2. Section 321.285, subsection 6, unnumbered
 14 paragraph 1, Code 1995, is amended to read as follows:
 15 Notwithstanding any other speed restrictions, the
 16 speed limit for all vehicular traffic on ~~fully~~
 17 ~~controlled-access, divided, multilaned highways~~
 18 ~~including the national system of interstate highways~~
 19 ~~designated by the federal highway administration and~~
 20 ~~this state (23 U.S.C. § 103 (e))~~ is sixty-five miles
 21 per hour. The speed limit for vehicular traffic on
 22 the national system of interstate highways and on
 23 fully controlled-access, divided, multilaned highways

24 ~~is seventy miles per hour.~~ However, the department or
25 ~~cities political subdivisions~~ with the approval of the
26 department may establish a lower speed limit upon such
27 ~~for~~ highways located within the ~~corporate limits of a~~
28 ~~city jurisdiction of the political subdivision.~~ For
29 the purposes of this subsection, a fully controlled-
30 access highway is a highway that gives preference to
31 through traffic by providing access connections with
32 selected public roads only and by prohibiting
33 crossings at grade or direct private driveway
34 connections. A minimum speed of forty miles per hour,
35 road conditions permitting, is established on the
36 highways referred to in this subsection.

37 Sec. 3. Section 321A.3, subsection 4, Code 1995,
38 is amended to read as follows:

39 4. The abstract of operating record ~~provided under~~
40 ~~this section shall designate which speeding violations~~
41 ~~occurring on or after July 1, 1986, but before May 12,~~
42 ~~1987, are for violations of ten miles per hour or less~~
43 ~~over the legal speed limit in speed zones that have a~~
44 ~~legal speed limit greater than thirty-five miles per~~
45 ~~hour. For speeding violations occurring on or after~~
46 ~~May 12, 1987, the abstract provided under this section~~
47 ~~shall designate which speeding violations are for ten~~
48 ~~miles per hour or less over the legal speed limit in~~
49 ~~speed zones that have a legal speed limit equal to or~~
50 ~~greater than thirty-five miles per hour but not~~

Page 2

1 ~~greater than fifty-five miles per hour.~~

2 Sec. 4. Section 516B.3, subsection 1, Code 1995,
3 is amended to read as follows:

4 1. The commissioner shall require that insurance
5 companies transacting business in this state not
6 consider speeding violations ~~occurring on or after~~
7 ~~July 1, 1986, but before May 12, 1987, which are for~~
8 ~~speeding violations for ten miles per hour or less~~
9 ~~over the legal speed limit in speed zones that have a~~
10 ~~legal speed limit greater than thirty-five miles per~~
11 ~~hour or speeding violations occurring on or after May~~
12 ~~12, 1987, which are for speeding violations for ten~~
13 ~~miles per hour or less over the legal speed limit in~~
14 ~~speed zones that have a legal speed limit equal to or~~
15 ~~greater than thirty-five miles per hour but not~~
16 ~~greater than fifty-five miles per hour for the purpose~~
17 ~~of establishing rates for motor vehicle insurance~~
18 ~~charged by the insurer and shall require that~~
19 ~~insurance companies not cancel or refuse to renew any~~
20 ~~such policy for such violations. In any twelve-month~~
21 ~~period, this section applies only to the first two~~
22 ~~such violations which occur.~~

23 Sec. 5. Section 805.8, subsection 2, paragraph g,

24 subparagraph (4), Code Supplement 1995, is amended to
25 read as follows:

26 (4) Notwithstanding subparagraphs (1) and (3), for
27 excessive speed violations in speed zones greater than
28 fifty-five miles per hour when in excess of the limit
29 by five miles per hour or less the fine is ten
30 dollars, by more than five and not more than ten miles
31 per hour the fine is twenty dollars, by more than ten
32 and not more than fifteen miles per hour the fine is
33 ~~forty~~ eighty dollars, by more than fifteen and not
34 more than twenty miles per hour the fine is ~~sixty one~~
35 hundred twenty dollars, and by more than twenty miles
36 per hour the fine is ~~sixty one~~ hundred twenty dollars
37 plus two dollars for each mile per hour of excessive
38 speed over twenty miles per hour over the limit.

39 Sec. 6. CONSTRUCTION AREA SAFETY STUDY. The state
40 department of transportation and the department of
41 public safety shall study and prepare a joint report
42 relating to vehicle speed management, enhanced speed
43 limit enforcement, and work zone safety in
44 construction areas. The departments shall confer with
45 representatives of the private sector construction
46 industry to develop guidelines to promote motorist and
47 construction worker safety. The departments shall
48 file the joint report with the general assembly by
49 January 1, 1997.

50 Sec. 7. EFFECTIVE DATE. This Act, being deemed of

Page 3

- 1 immediate importance, takes effect upon enactment."
- 2 2. Title page, by striking line 1 and inserting
- 3 the following: "An Act relating to speed limits, by
- 4 increasing the speed limit on certain highways,
- 5 relating to speeding violations and license suspension
- 6 and motor vehicle liability coverage, requiring".
- 7 3. By renumbering as necessary.

RANTS of Woodbury

H-5376

1 Amend Senate File 2140, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by inserting after the word
4 "traffic" the following: "other than motor
5 trucks".

6 2. Page 1, line 7, by inserting before the word
7 "is" the following: "is seventy miles per hour, and
8 the speed limit for motor trucks".

9 3. Page 1, by inserting after line 23 the
10 following:

11 "Sec. ____ Section 805.8, subsection 2, paragraph
12 g, subparagraph (4), Code Supplement 1995, is amended

13 to read as follows:

- 14 (4) Notwithstanding subparagraphs (1) and (3), for
 15 excessive speed violations in speed zones greater than
 16 fifty-five miles per hour when in excess of the limit
 17 by five miles per hour or less the fine is ten
 18 dollars, by more than five and not more than ten miles
 19 per hour the fine is twenty dollars, by more than ten
 20 and not more than fifteen miles per hour the fine is
 21 ~~forty~~ eighty dollars, by more than fifteen and not
 22 more than twenty miles per hour the fine is ~~sixty~~ one
 23 hundred twenty dollars, and by more than twenty miles
 24 per hour the fine is ~~sixty~~ one hundred twenty dollars
 25 plus two dollars for each mile per hour of excessive
 26 speed over twenty miles per hour over the limit.”
 27 4. By renumbering as necessary.

MUNDIE of Webster

H-5382

- 1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:
 3 1. By striking page 5, line 35, through page 6,
 4 line 47.
 5 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5383

- 1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:
 3 1. By striking page 1, line 4, through page 3,
 4 line 10, and inserting the following:
 5 “Section 1. Section 523H.6, Code Supplement 1995,
 6 is”.
 7 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5384

- 1 Amend the amendment, H-5368, to House File 2477, as
 2 follows:
 3 1. Page 1, line 21, by striking the figure
 4 “261.71” and inserting the following: “261.69”.
 5 2. Page 1, line 32, by striking the figure
 6 “261.71” and inserting the following: “261.69”.
 7 3. Page 2, line 40, by striking the figure
 8 “261.72” and inserting the following: “261.70”.
 9 4. Page 2, line 46, by striking the figure
 10 “261.71” and inserting the following: “261.69”.
 11 5. Page 2, line 47, by striking the figure
 12 “261.71” and inserting the following: “261.69”.
 13 6. Page 2, line 49, by striking the figure
 14 “261.71” and inserting the following: “261.69”.

- 15 7. Page 3, line 3, by striking the figure
 16 "261.71" and inserting the following: "261.69".
 17 8. Page 3, line 5, by striking the figure
 18 "261.71" and inserting the following: "261.69".

DRAKE of Pottawattamie

H-5388

- 1 Amend House File 2304 as follows:
 2 1. Page 1, line 11, by inserting after the figure
 3 "359.41" the following: "except that the board shall
 4 not certify a tax levy pursuant to section 359.30 or
 5 359.33".
 6 2. Page 1, by striking lines 22 through 24 and
 7 inserting the following: "359.41 to the cemetery
 8 commission except the commission shall not certify a
 9 tax levy pursuant to section 359.30 or 359.33."
 10 3. Page 1, by inserting before line 25 the
 11 following:
 12 "4. Notwithstanding sections 359.30 and 359.33,
 13 the costs of management, repair, and maintenance of
 14 pioneer cemeteries shall be paid from the general fund
 15 of the county."
 16 4. Page 2, by striking lines 2 through 4.

HEATON of Henry

H-5394

- 1 Amend House File 2447 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 422.51, Code 1995, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 5. The taxes remitted by a
 7 utility pursuant to this division shall be reduced by
 8 an intervenor compensation tax credit. A utility
 9 which has been ordered to pay another party's
 10 intervention costs pursuant to section 476.10B shall
 11 be eligible for the credit for the amount of the
 12 ordered payment."
 13 2. Page 5, by inserting after line 31 the
 14 following:
 15 "Sec. NEW SECTION. 476.10B INTERVENOR
 16 COMPENSATION.
 17 1. The board shall order a utility to pay a
 18 party's intervention costs, not to exceed forty
 19 thousand dollars, in any administrative proceeding or
 20 proceeding conducted by the board under this chapter
 21 which relates to gas or electric utilities. The cost
 22 to a utility for intervenor compensation shall not be
 23 included in the utility's rates or charges to
 24 customers. Compensation shall be awarded for
 25 reasonable costs, including attorney's fees, expert

26 witness fees, and transcripts, if the board determines
27 that all of the following apply:

28 a. The intervenor is a customer or represents
29 customers of the utility that is the subject of the
30 proceeding, or has substantial interests that may be
31 affected by the outcome of the proceeding.

32 b. The intervenor represents an interest material
33 to the proceeding that is not adequately represented
34 by other parties to the proceeding.

35 c. The intervenor cannot without undue financial
36 hardship afford to pay the costs of participation or
37 in the case of a group or organization, the intervenor
38 advocates a position which, if adopted by the board,
39 would not selectively confer economic benefits on
40 individual members of the organization.

41 2. a. An intervenor shall file an application for
42 compensation with the board within fourteen days after
43 a notice of hearing is issued or on the same date
44 initial comments are due in an uncontested case. The
45 application shall include a clear statement of the
46 interest represented by the intervenor, an itemized
47 estimation of the costs of the intervention, and
48 financial statements and other information necessary
49 to establish undue financial hardship.

50 b. Comments or objections to the application shall

Page 2

1 be filed with the board within ten days of the filing
2 of the application, unless the board extends the time
3 period for filing upon a finding of a reasonable
4 justification for the delay.

5 c. Within thirty days of the receipt of the
6 application for compensation, the board shall decide
7 whether and in what amount compensation shall be
8 authorized. The board may authorize the disbursement
9 of partial payments, as an intervenor's work
10 progresses, upon a showing by the intervenor that the
11 payments are essential for effective participation in
12 the proceeding.

13 d. The commission may authorize supplemental
14 compensation in excess of the amount initially
15 authorized if, for legitimate reasons, the costs of
16 participation were underestimated or if additional
17 funds would substantially improve the ability of the
18 intervenor to contribute to the proceeding.

19 3. The intervenor shall file a claim for payment,
20 within thirty days of issuance of a final decision in
21 the proceeding for which compensation was authorized
22 under this section. For the purposes of this section,
23 "final determination" means the initial decision by
24 the board but does not mean any order which may be
25 entered by the board in response to a petition for

26 rehearing or other relief. The claim shall include
 27 full documentation of fees and expenses, including the
 28 costs of studies, engineering reports, tests, or
 29 projects related to the proceeding. Documentation
 30 shall also include an affidavit from each attorney,
 31 agent, or expert witness that represented or appeared
 32 on behalf of the intervenor that states the specific
 33 services rendered, the actual time spent for each
 34 service, and the rate at which fees were computed for
 35 providing each service.

36 4. a. The board shall review each claim for
 37 payment, along with any other relevant material
 38 submitted. The board shall order payment of
 39 compensation within thirty days of the receipt of the
 40 claim, less any partial payments.

41 b. Payment may be denied for unauthorized
 42 expenses, upon a finding that the applicant failed to
 43 adequately represent the interest for which the
 44 application for compensation was approved, or for
 45 expenses related to testimony that is excluded from
 46 the record on the basis of a ruling by an
 47 administrative law judge or the board. An intervenor
 48 shall reimburse a public utility for any partial
 49 payments received that the board determines were not
 50 compensable under this section."

Page 3

- 1 3. Title page, line 2, by inserting after the
- 2 word "mandates" the following: "and intervenor
- 3 compensation and tax credits".
- 4 4. By renumbering as necessary.

WITT of Black Hawk

H-5397

- 1 Amend House File 2447 as follows:
- 2 1. Page 3, line 17, by inserting after the word
- 3 "persons." the following: "The plans shall be
- 4 developed through a collaborative process which shall
- 5 include all interested stakeholders."

BURNETT of Story
 BERNAU of Story
 HOLVECK of Polk
 MASCHER of Johnson
 WITT of Black Hawk

H-5398

- 1 Amend Senate File 2395, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 22 the

4 following:

5 "Sec. ____ Section 510.18, Code 1995, is amended
6 to read as follows:

7 510.18 PAYMENT OF CLAIMS.

8 A claim paid by the administrator from funds
9 collected on behalf of the insurer shall be paid only
10 on a draft ~~of and~~, check, or by electronic funds
11 transfer as authorized by the insurer."

12 2. By renumbering as necessary.

HALVORSON of Clayton

H-5403

1 Amend House File 2182 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 135.23 GROUP B
5 STREPTOCOCCUS TESTING.

6 1. A physician providing prenatal care shall
7 routinely furnish pregnant patients with concise
8 written information, to be developed by the
9 department, regarding group B streptococcus disease
10 incidence, risks, prevention strategies, diagnosis,
11 and treatment. If a patient requests to be tested for
12 the presence of group B streptococcus, the physician
13 shall perform a screening culture between the thirty-
14 fifth and thirty-seventh weeks of pregnancy.

15 2. The physician shall inform a patient who has
16 been tested of the test result. If a patient has
17 tested positive for group B streptococcus, the
18 physician or a designated member of the physician's
19 staff shall report this status to the hospital or
20 birth facility to which the patient is to be admitted.
21 This information shall be entered upon the patient's
22 medical records by a physician or designated hospital
23 or birth facility staff member prior to or at the time
24 of delivery.

25 3. As used in this section, "physician" means a
26 physician licensed to practice medicine and surgery or
27 osteopathic medicine and surgery.

28 4. If the centers for disease control and
29 prevention of the United States department of health
30 and human services, with the concurrence of the
31 American academy of pediatrics and the American
32 college of obstetrics and gynecology, determines that
33 culture screenings of pregnant women to identify those
34 who may have a positive screening result as a strategy
35 to prevent the onset of group B streptococcus disease
36 in newborns is no longer the most appropriate
37 strategy, is no longer indicated, or is replaced by a
38 treatment modality which renders the screening
39 unnecessary, the director shall adopt rules pursuant
40 to section 17A.4, subsection 2, and section 17A.5,

- 41 subsection 2, paragraph "b", to reflect the
 42 determination.
 43 Sec. 2. The director of public health shall adopt
 44 rules pursuant to section 17A.4, subsection 2, and
 45 section 17A.5, subsection 2, paragraph "b", necessary
 46 to administer this section, and the rules shall become
 47 effective July 1, 1996."
 48 2. Title page, line 1, by striking the word
 49 "streptococcus," and inserting the following:
 50 "streptococcus."

Page 2

- 1 3. Title page, by striking line 2.

BLODGETT of Cerro Gordo

H-5405

- 1 Amend House File 2447 as follows:
 2 1. Page 1, line 4, by striking the words
 3 "~~programs efforts~~" and inserting the following:
 4 "programs".
 5 2. Page 1, by striking lines 27 through 33.
 6 3. Page 2, by striking lines 9 through 14.
 7 4. Page 2, by striking line 27 and inserting the
 8 following: "efficiency programs."
 9 5. By renumbering as necessary.

WITT of Black Hawk
 HOLVECK of Polk
 VANDE HOEF of Osceola
 KLEMME of Plymouth
 HUSEMAN of Cherokee

H-5406

- 1 Amend House File 2447 as follows:
 2 1. Page 3, line 16, by inserting after the word
 3 "opportunities." the following: "Interruptible rates
 4 shall not qualify as energy efficiency efforts."

WITT of Black Hawk
 HOLVECK of Polk
 VANDE HOEF of Osceola
 KLEMME of Plymouth
 HUSEMAN of Cherokee

H-5409

- 1 Amend House File 2449 as follows:
 2 1. Page 2, by striking lines 25 through 29.
 3 2. Page 7, line 19, by inserting after the word
 4 "purpose" the following: "or for the pursuit of any
 5 legislative objective".

- 6 3. Page 7, line 23, by striking the word
 7 "purposes." and inserting the following: "purposes or
 8 for the pursuit of any legislative objectives."
 9 4. By renumbering as necessary.

GIPP of Winneshiek

H-5413

- 1 Amend House File 2447 as follows:
 2 1. Page 6, by inserting after line 35 the
 3 following:
 4 "Sec. ____ INTERIM COMMITTEE. The legislative
 5 council shall consider creating a legislative interim
 6 committee to review the success or failure of the
 7 substantive and procedural provisions for energy
 8 efficiency cost recovery under chapter 476. The
 9 committee shall make recommendations to the general
 10 assembly on any required changes due to the experience
 11 gained from the previous two biennial energy
 12 efficiency plan and budget cycles."

HOLVECK of Polk
 BERNAU of Story
 SHOULTZ of Black Hawk
 KLEMME of Plymouth
 VANDE HOEF of Osceola

H-5414

- 1 Amend House File 2447 as follows:
 2 1. Page 3, line 1, by inserting after the word
 3 "cost-effective." the following: "An energy
 4 efficiency plan which passes the societal cost benefit
 5 test using a discount rate reflecting the time value
 6 of money to society is considered cost-effective."

HOLVECK of Polk
 WITT of Black Hawk
 VANDE HOEF of Osceola
 BURNETT of Story
 BERNAU of Story

H-5415

- 1 Amend House File 2447 as follows:
 2 1. Page 3, line 22, by inserting after the word
 3 "buildings." the following: "The plan shall be
 4 designed so that capacity savings reduce peak load in
 5 order to delay or eliminate the need for future
 6 electric generating units or purchase power contracts
 7 or the imposition of future peak day natural gas
 8 requirements."
 9 2. Page 3, line 22, by inserting after the word
 10 "buildings." the following: "The plan shall be

11 designed so that energy savings reduce electric or
12 natural gas energy consumption or reduce the growth in
13 such energy consumption."

BERNAU of Story
BURNETT of Story

H-5416

1 Amend House File 2182 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 135.23 GROUP B
5 STREPTOCOCCUS TESTING.
6 1. A physician providing prenatal care shall
7 routinely furnish pregnant patients with concise
8 written information, to be developed by the
9 department, regarding group B streptococcus disease
10 incidence, risks, prevention strategies, diagnosis,
11 and treatment. If a patient requests to be tested for
12 the presence of group B streptococcus, the physician
13 may perform a screening culture between the thirty-
14 fifth and thirty-seventh weeks of pregnancy.
15 2. The physician shall inform a patient who has
16 been tested of the test result. If a patient has
17 tested positive for group B streptococcus, the
18 physician or a designated member of the physician's
19 staff shall report this status to the hospital or
20 birth facility to which the patient is to be admitted.
21 This information shall be entered upon the patient's
22 medical records by a physician or designated hospital
23 or birth facility staff member prior to or at the time
24 of delivery.
25 3. As used in this section, "physician" means a
26 physician licensed to practice medicine and surgery or
27 osteopathic medicine and surgery.
28 4. If the centers for disease control and
29 prevention of the United States department of health
30 and human services, with the concurrence of the
31 American academy of pediatrics and the American
32 college of obstetrics and gynecology, determines that
33 culture screenings of pregnant women to identify those
34 who may have a positive screening result as a strategy
35 to prevent the onset of group B streptococcus disease
36 in newborns is no longer the most appropriate
37 strategy, is no longer indicated, or is replaced by a
38 treatment modality which renders the screening
39 unnecessary, the director shall adopt rules pursuant
40 to section 17A.4, subsection 2, and section 17A.5,
41 subsection 2, paragraph "b", to reflect the
42 determination.
43 Sec. 2. The director of public health shall adopt
44 rules pursuant to section 17A.4, subsection 2, and
45 section 17A.5, subsection 2, paragraph "b", necessary

46 to administer this section, and the rules shall become
 47 effective July 1, 1996.”
 48 2. Title page, line 1, by striking the word
 49 “streptococcus,” and inserting the following:
 50 “streptococcus.”

Page 2

1 3. Title page, by striking line 2.

BLODGETT of Cerro Gordo

H-5418

1 Amend House File 2447 as follows:
 2 1. Page 4, by striking lines 17 through 21 and
 3 inserting the following: “conducted pursuant to
 4 paragraph “c”. The board shall allow the cost
 5 recovery of energy efficiency expenditures only to the
 6 extent and in the magnitude that the expenditures
 7 actually achieve capacity savings under paragraph “b”.
 8 If a utility is not taking all reasonable actions to”.

FALLON of Polk

H-5420

1 Amend the amendment, H-5412, to House File 2433, as
 2 follows:
 3 1. Page 1, by inserting after line 48 the
 4 following:
 5 “Sec. ____ Section 455D.11, subsection 5, Code
 6 1995, is amended to read as follows:
 7 5. a. The department shall develop criteria for
 8 the issuance of permits and shall issue permits to
 9 qualified stockpiling facilities. The department
 10 shall inform the owner or operator of a waste tire
 11 collection site or processing site of the specific
 12 permit required for the waste tire collection site or
 13 processing site and any variance possibilities.
 14 b. The department shall specify in writing to a
 15 person who applies for a permit or variance from the
 16 permit requirement of this section the department's
 17 reasons for denying the permit or variance. A person
 18 denied a permit or variance may appeal the denial to
 19 the commission pursuant to chapter 17A.
 20 c. The department shall process an application for
 21 a permit or variance in a timely manner and shall
 22 issue a permit or variance immediately upon
 23 determining that the person applying for a permit or
 24 variance complies with the requirements for obtaining
 25 the permit or variance.”
 26 2. Page 6, by inserting after line 8 the
 27 following:
 28 “ ____ Title page, line 6, by inserting after the
 29 word “vehicles,” the following: “relating to
 30 obtaining a permit or variance for storing or using

31 waste tires.”.”

CORMACK of Webster

H-5422

- 1 Amend House File 2454 as follows:
- 2 1. Page 2, by inserting after line 24 the
- 3 following:
- 4 “Sec. ____ Section 123.49, subsection 1,
- 5 unnumbered paragraph 1, Code 1995, is amended to read
- 6 as follows:
- 7 A person shall not sell, ~~dispense, or give to an~~
- 8 ~~intoxicated person, or one simulating intoxication, or~~
- 9 ~~otherwise supply~~ any alcoholic liquor beverage, wine,
- 10 or beer to any other person, knowing or having
- 11 reasonable cause to believe the other person to be
- 12 intoxicated or simulating intoxication.”
- 13 2. By renumbering as necessary.

HEATON of Henry

H-5424

- 1 Amend House File 2447 as follows:
- 2 1. Page 1, by striking lines 9 through 16 and
- 3 inserting the following: ~~“the requirements of this~~
- 4 ~~paragraph.”~~

NUTT of Woodbury

H-5425

- 1 Amend House File 2447 as follows:
- 2 1. Page 4, by inserting after line 33 the
- 3 following:
- 4 “___. Rate-regulated gas or electric utilities
- 5 shall utilize Iowa agencies and Iowa contractors to
- 6 the maximum extent cost effective in their energy
- 7 efficiency plans filed with the board.
- 8 ___. Except for current contractual obligations, a
- 9 rate-regulated gas or electric public utility or its
- 10 affiliates shall not in providing sales and servicing
- 11 of residential gas or electric heating, ventilating,
- 12 or air conditioning systems use any property,
- 13 equipment, or facilities included as part of the
- 14 utility's rate base, or any employees, other than
- 15 corporate officers, whose salaries, benefits, or both
- 16 are included to any extent as expenses recoverable in
- 17 a rate proceeding. The public utility's name and logo
- 18 and the utility services referenced in section 476.80
- 19 may be used in marketing and furnishing these
- 20 services.”

NUTT of Woodbury
METCALF of Polk
BAKER of Polk

H-5427

1 Amend the amendment, H-5174, to House File 2087 as
2 follows:

3 1. By striking page 1, line 2, through page 5,
4 line 13, and inserting the following:

5 “_. By striking everything after the enacting
6 clause and inserting the following:

7 “Section 1. Section 476.1A, Code 1995, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 7. Encouragement of alternate
10 energy production and the purchase of alternate
11 energy.

12 Sec. 2. Section 476.1A, unnumbered paragraph 3,
13 Code 1995, is amended to read as follows:

14 However, sections 476.20, 476.21, ~~476.41 through~~
15 ~~476.44~~, 476.51, 476.56, 476.62, and 476.66 and
16 chapters 476A and 478, to the extent applicable, apply
17 to such electric utilities.

18 Sec. 3. Section 476.1B, subsection 1, paragraph g,
19 Code 1995, is amended by striking the paragraph and
20 inserting in lieu thereof the following:

21 g. Encouragement of alternate energy production
22 and the purchase of alternate energy.

23 Sec. 4. Section 476.42, subsection 1, paragraph a,
24 Code 1995, is amended to read as follows:

25 a. A solar, wind turbine, ~~waste management,~~
26 ~~resource~~ methane recovery, ~~refuse derived fuel,~~
27 agricultural crops or residues, or woodburning
28 facility.

29 Sec. 5. Section 476.42, subsection 3, Code 1995,
30 is amended by striking the subsection.

31 Sec. 6. Section 476.42, Code 1995, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 5. “Alternate energy” means
34 electricity derived from hydro, solar, wind, methane
35 recovery, agricultural crops or residues, or
36 woodburning energy.

37 Sec. 7. Section 476.43, Code 1995, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 476.43 ALTERNATE ENERGY – RATES – PENALTIES.

41 1. a. By December 31, 1997, an electric utility
42 shall derive a minimum of two percent of the electric
43 utility’s annual peak demand from alternate energy
44 sources. By July 1, 1999, an electric utility shall
45 derive a minimum of five percent of the utility’s
46 annual peak demand from alternate energy sources.

47 b. A utility shall derive at least thirty percent
48 of the utility’s alternate energy generation, required
49 under paragraph “a”, from the following sources in the
50 amounts as indicated:

Page 2

1 (1) Ten percent shall be derived from dedicated
2 energy crops grown within the state, fifty percent of
3 which shall be from projects of five hundred kilowatts
4 or less.

5 (2) Ten percent shall be derived from agricultural
6 wastes produced from agricultural crops grown within
7 the state, fifty percent of which shall be from
8 projects of five hundred kilowatts or less.

9 (3) Ten percent shall be derived from small scale
10 wind generation projects located within the state of
11 two hundred fifty kilowatts or less.

12 2. The board shall establish a uniform competitive
13 bidding process so that an electric utility may
14 acquire alternate energy at a just and economically
15 based market rate. An electric utility may produce
16 its own alternate energy by constructing and operating
17 an alternate energy production facility or small hydro
18 facility. However, the electric utility shall
19 participate in the competitive bidding process using a
20 third-party evaluator. A bid from an electric utility
21 producing its own alternate energy shall not take into
22 account regulated industry-based factors in order to
23 produce a lower cost bid. Regulated industry-based
24 factors include eminent domain and transmission
25 ownership. An electric utility may combine with one
26 or more electric utilities to construct and operate an
27 alternate energy production facility or small hydro
28 facility for purposes of this subsection.

29 3. Notwithstanding section 476.51, an electric
30 utility which fails to comply with the requirements of
31 subsection 1 shall be subject to a civil penalty,
32 levied by the board, in an amount that is equivalent
33 to three times the amount of the lowest bid filed with
34 the board to comply with the requirements of
35 subsection 1. Civil penalties collected under this
36 subsection shall be forwarded to the treasurer of
37 state to be credited to the general fund of the state
38 to be used only for the alternate energy demonstration
39 projects administered by the Iowa energy center.
40 These penalties shall be excluded from the electric
41 utility's costs when determining the electric
42 utility's revenue requirement, and shall not be
43 included either directly or indirectly in the electric
44 utility's rates or charges to customers.

45 4. If the state adopts a full and open competitive
46 retail electric market, a retail electric supplier
47 shall be prohibited from supplying electricity at
48 retail in this state unless the retail supplier
49 derives at least five percent of the supplier's energy
50 supply from alternate energy sources.

Page 3

- 1 Sec. 8. Section 476.44, Code 1995, is repealed.
 2 Sec. 9. APPLICABILITY TO EXISTING CONTRACTS. This
 3 Act shall not affect the terms and conditions of any
 4 contract between an alternate energy production
 5 facility or small hydro facility and an electric
 6 utility that was entered into pursuant to sections
 7 476.43 and 476.44 for purchase of alternate energy if
 8 the contract was entered into prior to the effective
 9 date of this Act. In addition, the Act shall not
 10 affect potential contracts between alternate energy
 11 production facilities and electric utilities if a
 12 petition relating to the potential contracts has been
 13 filed and an action is currently pending before the
 14 Iowa utilities board. For purposes of the pending
 15 actions, the Iowa utilities board shall not take into
 16 account the changes contained in this Act.
 17 Sec. 10. EFFECTIVE DATE. This Act, being deemed
 18 of immediate importance, takes effect upon
 19 enactment.””
 20 2. By renumbering as necessary.

SHOULTZ of Black Hawk
 BURNETT of Story
 VANDE HOEF of Osceola
 WITT of Black Hawk
 MASCHER of Johnson
 HOLVECK of Polk

H-5428

- 1 Amend the amendment, H-5174, to House File 2087, as
 2 follows:
 3 1. Page 1, by striking lines 37 through 39 and
 4 inserting the following: “promotional rate to the
 5 Iowa energy center to be used for grants to nonprofit
 6 agencies for alternate energy projects.”

BURNETT of Story
 SHOULTZ of Black Hawk
 HOLVECK of Polk
 MASCHER of Johnson
 VANDE HOEF of Osceola
 WITT of Black Hawk

H-5429

- 1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:
 3 1. Page 1, by striking lines 40 through 47.

- 4 2. By renumbering as necessary.

VANDE HOEF of Osceola
 WITT of Black Hawk
 SHOULTZ of Black Hawk
 BURNETT of Story
 MASCHER of Johnson
 HOLVECK of Polk

H-5430

- 1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:
 3 1. Page 1, by striking lines 45 through 47 and
 4 inserting the following: "production facilities and
 5 small hydro facilities in order to conserve our finite
 6 and expensive energy resources and to provide for
 7 their most efficient use. For purposes of determining
 8 the cost-effectiveness of a renewable resource
 9 investment, any measure of cost-effectiveness shall be
 10 analytically derived in terms of reduction in the
 11 overall energy expenditures by aggregated energy-using
 12 sections of the state economy, and enhancement of
 13 direct disposable income, gross state product, and new
 14 job creation in comparison with those same measures
 15 applied to expenditures for conventional energy supply
 16 reserves that are displaced by the renewable resource.
 17 These cost-effective indicators shall be analytically
 18 derived by multisector econometric analysis conducted
 19 by the utilities board. This analysis shall be
 20 revised annually to conform to improved methodologies
 21 and to incorporate improved input assumptions as
 22 experience is gained and new data becomes available.
 23 Renewable energy resources investments designed to
 24 accelerate the market development of these
 25 technologies shall be judged cost-effective on the
 26 basis of expected costs and benefits after attaining
 27 market acceptance."

WITT of Black Hawk
 BURNETT of Story
 VANDE HOEF of Osceola
 MASCHER of Johnson
 SHOULTZ of Black Hawk
 HOLVECK of Polk

H-5431

- 1 Amend the amendment, H-5174, to House File 2087, as
 2 follows:
 3 1. Page 2, by striking lines 14 and 15 and
 4 inserting the following: "facility to users located

5 at or near the project site.”

VANDE HOEF of Osceola
 MASCHER of Johnson
 BURNETT of Story
 SHOULTZ of Black Hawk
 HOLVECK of Polk
 WITT of Black Hawk

H-5432

1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:

3 1. By striking page 2, line 49, through page 3,
 4 line 6, and inserting the following:

5 “1. PURCHASE REQUIREMENT. By December 31, 1997,
 6 the board shall require an electric utility within the
 7 state to enter into contracts for the purchase of the
 8 utility’s allotted share of eighty-nine megawatts of
 9 electricity generated from alternate energy production
 10 facilities, and by July 1, 1999, the board shall
 11 require the utility to enter into contracts for the
 12 purchase of the utility’s allotted share of an
 13 additional one hundred five megawatts. Contracts
 14 shall be subject to the terms and conditions
 15 established by the board pursuant to this section.”

JOCHUM of Dubuque
 BURNETT of Story
 VANDE HOEF of Osceola
 MASCHER of Johnson
 WITT of Black Hawk
 HOLVECK of Polk

H-5433

1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:

3 1. Page 3, by striking line 4 and inserting the
 4 following: “and subject to”.

HOLVECK of Polk
 MASCHER of Johnson
 WITT of Black Hawk
 BURNETT of Story
 SHOULTZ of Black Hawk
 VANDE HOEF of Osceola

H-5434

1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:

3 1. Page 3, line 6, by inserting after the word
 4 “section.” the following: “For purposes of this

5 section, "megawatt" shall be determined in accordance
 6 with a utility's average capacity. "Average capacity"
 7 means a utility's total output over a year divided by
 8 the number of hours in the year."

WITT of Black Hawk
 BURNETT of Story
 VANDE HOEF of Osceola
 MASCHER of Johnson
 SHOULTZ of Black Hawk
 HOLVECK of Polk

H-5435

1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:

3 1. Page 3, line 12, by inserting after the word
 4 "energy." the following: "At a minimum, the board
 5 shall require that thirty percent of the total
 6 allotments be in accordance with the following
 7 amounts:

8 a. At least ten percent shall be allotted from
 9 dedicated energy crops grown within the state, fifty
 10 percent of which shall be from projects of five
 11 hundred kilowatts or less.

12 b. At least ten percent shall be allotted from
 13 agricultural wastes produced from agricultural crops
 14 grown within the state, fifty percent of which shall
 15 be from projects of five hundred kilowatts or less.

16 c. At least ten percent shall be allotted from
 17 small scale wind generation projects located within
 18 the state of two hundred fifty kilowatts or less."

MACHER of Johnson
 BURNETT of Story
 SHOULTZ of Black Hawk
 WITT of Black Hawk
 VANDE HOEF of Osceola
 HOLVECK of Polk

H-5436

1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:

3 1. Page 4, by inserting after line 31 the
 4 following:

5 "7. CIVIL PENALTY. Notwithstanding section
 6 476.51, an electric utility which fails to comply with
 7 the requirements of this section shall be subject to a
 8 civil penalty, levied by the board, in an amount that
 9 is equivalent to three times the amount of the lowest
 10 bid filed with the board to comply with the
 11 requirements of this section. Civil penalties
 12 collected under this subsection shall be forwarded to

13 the treasurer of state to be credited to the Iowa
 14 energy center. Any moneys allocated to the Iowa
 15 energy center pursuant to this subsection shall be
 16 used solely for providing grants to nonprofit agencies
 17 for alternate energy production. These penalties
 18 shall be excluded from the electric utility's costs
 19 when determining the electric utility's revenue
 20 requirement, and shall not be included either directly
 21 or indirectly in the electric utility's rates or
 22 charges to customers."

SHOULTZ of Black Hawk
 BURNETT of Story
 VANDE HOEF of Osceola
 MASCHER of Johnson
 WITT of Black Hawk
 HOLVECK of Polk

H-5437

1 Amend the amendment, H-5174, to House File 2087, as
 2 follows:

3 1. By striking page 4, line 47, through page 5,
 4 line 5, and inserting the following:

5 "Sec. ____ APPLICABILITY TO EXISTING CONTRACTS.

6 This Act shall not affect the terms and conditions of
 7 any contract between an alternate energy production
 8 facility or small hydro facility and an electric
 9 utility that was entered into pursuant to sections
 10 476.43 and 476.44 for purchase of alternate energy if
 11 the contract was entered into prior to the effective
 12 date of this Act. In addition, the Act shall not
 13 affect potential contracts between alternate energy
 14 production facilities and electric utilities if a
 15 petition relating to the potential contracts has been
 16 filed and an action is currently pending before the
 17 Iowa utilities board. For purposes of the pending
 18 actions, the Iowa utilities board shall not take into
 19 account the changes contained in this Act."

HOLVECK of Polk
 VANDE HOEF of Osceola
 SHOULTZ of Black Hawk
 BURNETT of Story
 DODERER of Johnson
 WITT of Black Hawk

H-5439

1 Amend House File 2436 as follows:

2 1. Page 1, by inserting after line 23 the
 3 following:

4 "Sec. ____ Section 321.210, subsection 1,
 5 paragraph d, Code 1995, is amended to read as follows:

- 6 d. Has permitted been convicted of committing an
 7 unlawful or fraudulent use of the license.”
 8 2. Title page, line 3, by inserting after the
 9 word “offenses,” the following: “that the department
 10 of transportation suspend a license for unlawful or
 11 fraudulent use of a license, providing a penalty.”
 12 3. By renumbering as necessary.

BRUNKHORST of Bremer

H-5441

- 1 Amend House File 2445 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 17A.6, Code Supplement 1995,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 10. The administrative code
 7 editor shall, upon request, cause the Iowa
 8 administrative bulletin to be sent by ordinary or
 9 electronic mail to the chairperson, vice chairperson,
 10 or ranking member of any committee of the general
 11 assembly who wishes to receive the Iowa administrative
 12 bulletin.”
 13 2. Title page, by striking lines 1 through 5 and
 14 inserting the following: “An Act relating to making
 15 the Iowa administrative bulletin available to members
 16 of the general assembly.”

METCALF of Polk

H-5442

- 1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:
 3 1. By striking page 1, line 2, through page 5,
 4 line 13, and inserting the following:
 5 “_. By striking everything after the enacting
 6 clause and inserting the following:
 7 “Section 1. Section 422.51, Code 1995, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. 5. The taxes remitted pursuant to
 10 this division shall be reduced by an alternate energy
 11 purchase tax credit. An electric utility which has
 12 purchased electricity from an alternate energy
 13 production facility or small hydro facility pursuant
 14 to section 476.43 shall be granted the credit. The
 15 credit shall equal the difference between the
 16 competitively bid rate that the utility paid for
 17 purchase of the electricity and the rate which is
 18 equivalent to the true economic cost attributed to
 19 production of the electricity by the electric utility,
 20 as established by the board pursuant to section
 21 476.43.
 22 Sec. 2. Section 476.1A, Code 1995, is amended by

23 adding the following new subsection:

24 NEW SUBSECTION. 7. Encouragement of alternate
25 energy production and the purchase of alternate
26 energy.

27 Sec. 3. Section 476.1A, unnumbered paragraph 3,
28 Code 1995, is amended to read as follows:

29 However, sections 476.20, 476.21, ~~476.41 through~~
30 ~~476.44, 476.51, 476.56, 476.62, and 476.66~~ and
31 chapters 476A and 478, to the extent applicable, apply
32 to such electric utilities.

33 Sec. 4. Section 476.1B, subsection 1, paragraph g,
34 Code 1995, is amended by striking the paragraph and
35 inserting in lieu thereof the following:

36 g. Encouragement of alternate energy production
37 and the purchase of alternate energy.

38 Sec. 5. Section 476.42, subsection 1, paragraph a,
39 Code 1995, is amended to read as follows:

40 a. A solar, wind turbine, ~~waste management,~~
41 ~~resource methane~~ recovery, ~~refuse-derived fuel,~~
42 agricultural crops or residues, or woodburning
43 facility.

44 Sec. 6. Section 476.42, subsection 3, Code 1995,
45 is amended by striking the subsection.

46 Sec. 7. Section 476.42, Code 1995, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 5. "Alternate energy" means
49 electricity derived from hydro, solar, wind, methane
50 recovery, agricultural crops or residues, or

Page 2

1 woodburning energy.

2 Sec. 8. Section 476.43, subsection 1, Code 1995,
3 is amended to read as follows:

4 1. Subject to section 476.44, the board shall
5 require electric utilities to enter into long-term
6 contracts to do the following:

7 a. Purchase or wheel electricity from alternate
8 energy production facilities or small hydro facilities
9 ~~located in the utility's service area under the terms~~
10 and conditions that the board finds are just and
11 economically reasonable to the electric utilities'
12 ratepayers, are nondiscriminatory to alternate energy
13 producers and small hydro producers and will further
14 the policy stated in section 476.41.

15 b. Provide for the availability of supplemental or
16 backup power to alternate energy production facilities
17 or small hydro facilities on a nondiscriminatory basis
18 and at just and reasonable rates.

19 c. If the parties fail to agree on the terms of a
20 contract required pursuant to this section, a party
21 may request that the board intervene. The board shall
22 have sixty days from the date of the intervention

23 request to render a decision on the contract.

24 Sec. 9. Section 476.43, subsections 2, 3, and 4,
25 Code 1995, are amended by striking the subsections and
26 inserting in lieu thereof the following:

27 2. The board shall establish a uniform competitive
28 bidding process so that an electric utility may
29 acquire alternate energy at a just and economically
30 based market rate. An electric utility may produce
31 its own alternate energy by constructing and operating
32 an alternate energy production facility or small hydro
33 facility if the facility is constructed and operated
34 as a separate affiliate entity. However, the electric
35 utility shall participate in the competitive bidding
36 process using a third-party evaluator. A bid from an
37 electric utility producing its own alternate energy
38 shall not take into account regulated industry-based
39 factors including eminent domain and transmission
40 ownership in order to produce a lower cost bid.

41 3. Notwithstanding section 476.51, an electric
42 utility which fails to comply with the requirements of
43 subsection 1 shall be subject to a civil penalty,
44 levied by the board, in an amount that is equivalent
45 to three times the amount of the lowest bid filed with
46 the board to comply with the requirements of
47 subsection 1. Civil penalties collected under this
48 subsection shall be forwarded to the treasurer of
49 state to be credited to the Iowa energy center. Any
50 moneys allocated to the Iowa energy center pursuant to

Page 3

1 this subsection shall be used solely for providing
2 grants to nonprofit agencies for alternate energy
3 production. These penalties shall be excluded from
4 the electric utility's costs when determining the
5 electric utility's revenue requirement, and shall not
6 be included either directly or indirectly in the
7 electric utility's rates or charges to customers.

8 4. Notwithstanding subsection 2, alternate energy
9 produced by recovery of methane at a sanitary landfill
10 shall be purchased at the rate existing as of January
11 1, 1996.

12 Sec. 10. Section 476.43, Code 1995, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 7. An electric utility purchasing
15 alternate energy pursuant to this section shall be
16 entitled to an alternate energy purchase tax credit.
17 The electric utility shall reflect the tax credit
18 received by the utility in the utility's automatic
19 adjustment pursuant to section 476.6, subsection 11.
20 The credit shall be equal to the difference between
21 the rate established through the competitive bidding
22 process and the rate that is equivalent to the true

23 economic cost attributed to production of the
24 electricity by the electric utility, as established by
25 the board. The board shall establish a true economic
26 cost rate for purposes of the tax credit provided
27 under section 422.51. After January 1, 1997, this
28 rate shall be based upon the conclusions of an
29 independent study of the true economic value and cost
30 of energy production.

31 Sec. 11. Section 476.44, subsection 1, Code 1995,
32 is amended to by striking the subsection.

33 Sec. 12. Section 476.44, subsection 2, Code 1995,
34 is amended to read as follows:

35 2. a. An electric utility subject to this
36 division, except a utility which elects rate
37 regulation pursuant to section 476.1A, shall ~~not~~ be
38 required to purchase, ~~at any one time, more than its~~
39 share of ~~one~~ two hundred five ten megawatts of power
40 from alternative energy production facilities or small
41 hydro facilities ~~at the rates in accordance with the~~
42 competitive bidding process established pursuant to
43 section 476.43. The board shall allocate the ~~one~~ two
44 hundred ~~five~~ ten megawatts based upon each utility's
45 percentage of the total Iowa retail peak demand, for
46 the year beginning January 1, 1990, of all utilities
47 subject to this section. If a utility undergoes
48 reorganization as defined in section 476.76, the board
49 shall combine the allocated purchases of power for
50 each utility involved in the reorganization.

Page 4

1 Notwithstanding the ~~one~~ two hundred five ten
2 megawatt maximum, the board may increase the amount of
3 power that a utility is required to purchase ~~at the~~
4 ~~rates established pursuant to section 476.43~~ if the
5 board finds that a utility, including a reorganized
6 utility, exceeds its 1990 Iowa retail peak demand by
7 twenty percent and the additional power the utility is
8 required to purchase will encourage the development of
9 alternate energy production facilities and small hydro
10 facilities. The increase shall not exceed the
11 utility's increase in peak demand multiplied by the
12 ratio of the utility's share of the ~~one~~ two hundred
13 ~~five~~ ten megawatt maximum to its 1990 Iowa retail peak
14 demand.

15 b. Of that portion of alternate energy required to
16 be purchased by a utility under this section, eighty-
17 five percent shall be purchased from alternate energy
18 production facilities or small hydro facilities
19 generating electricity with current and viable
20 technologies and fifteen percent shall be purchased
21 from alternate energy production facilities generating
22 electricity from new technologies. For purposes of

23 this section, new technologies include only those
 24 technologies that use nonfossil fuel to derive
 25 renewable energy.

26 Sec. 13. TRUE ECONOMIC COST AND VALUE STUDY. The
 27 Iowa utilities board and the office of the Consumer
 28 Advocate shall conduct an independent study of the
 29 true economic cost of generating electricity. The
 30 report shall be sent to the general assembly by
 31 January 1, 1997. The study shall include an economic
 32 analysis of electric utility rates and alternate
 33 energy production rates. In addition to other
 34 relevant factors, a determination of a true economic
 35 rate shall consider the economic value of bringing the
 36 production of energy to the state versus the value of
 37 importing fossil fuels and the environmental impacts
 38 associated with energy production and use. The study
 39 shall provide a definitive statement of a true
 40 economic rate.

41 Sec. 14. APPLICABILITY TO EXISTING CONTRACTS.

42 This Act shall not affect the terms and conditions of
 43 any contract between an alternate energy production
 44 facility or small hydro facility and an electric
 45 utility that was entered into pursuant to sections
 46 476.43 and 476.44 for purchase of alternate energy if
 47 the contract was entered into prior to the effective
 48 date of this Act.”

49 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-5443

1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:

- 3 1. Page 1, by striking lines 21 through 39.
- 4 2. Page 5, by striking lines 10 through 12 and
- 5 inserting the following: “energy, and requiring
- 6 consideration of a reimbursement mechanism for good
- 7 faith investment.”

FALLON of Polk
 BURNETT of Story
 SHOULTZ of Black Hawk
 DODERER of Johnson

MASCHER of Johnson
 WITT of Black Hawk
 VANDE HOEF of Osceola
 HOLVECK of Polk

H-5444

1 Amend the amendment, H-5260, to House File 2235 as
 2 follows:

- 3 1. Page 2, line 33, by inserting after the word
- 4 “franchisee.” the following: “Notwithstanding the
- 5 requirement that the surviving spouse, child or
- 6 children, or partner is responsible for maintaining
- 7 all of the standards and obligations under the

8 franchise agreement during the one-year period
 9 preceding qualification as a franchisee, the
 10 franchisor shall not impose any penalties or have a
 11 right of first refusal as the result of the breach of
 12 any standard or obligation which exists on the date of
 13 the death or disability of the franchisee."

WEIGEL of Chickasaw

H-5446

1 Amend House File 2304 as follows:
 2 1. Page 1, line 6, by striking the word "shall"
 3 and inserting the following: "may".
 4 2. Page 1, line 11, by inserting after the figure
 5 "359.41" the following: "except that the maintenance
 6 and repair of all cemeteries under the jurisdiction of
 7 the county including pioneer cemeteries shall be paid
 8 from the county general fund".
 9 3. Page 1, by striking lines 22 through 24 and
 10 inserting the following: "359.41 to the cemetery
 11 commission except that the expenses of the cemetery
 12 commission shall be paid from the county general
 13 fund."
 14 4. Page 1, by inserting before line 25 the
 15 following:
 16 "Sec. ____ NEW SECTION. 331.424A CEMETERY LEVY.
 17 The board may levy annually a tax not to exceed six
 18 and three-fourths cents per thousand dollars of the
 19 assessed value of all taxable value in the county to
 20 repair and maintain all cemeteries under the
 21 jurisdiction of the board including pioneer cemeteries
 22 and to pay other expenses of the board or the cemetery
 23 commission as provided in section 331.325. The
 24 proceeds of the tax levy shall be credited to the
 25 county general fund. Section 444.25A does not apply
 26 to the property tax levied or expended for cemeteries
 27 pursuant to section 331.325."
 28 5. Page 2, by striking lines 2 through 4.
 29 6. Title page, line 2, by inserting after the
 30 word "cemeteries" the following: "and authorizing a
 31 tax levy".

BRAUNS of Muscatine

H-5447

1 Amend the amendment, H-5419, to Senate File 2443,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 7, line 26, by striking the figure
 5 "330,275" and inserting the following: "30,275".
 6 2. Page 10, line 26, by inserting after the word
 7 "colleges," the following: "for allocating \$300,000
 8 for the career opportunity program under chapter

9 260C.”

10 3. Page 10, line 34, by striking the figure

11 “2,310,267” and inserting the following: “2,610,267”.

BAKER of Polk
 SHOULTZ of Black Hawk
 MERTZ of Kossuth
 MYERS of Johnson
 HARPER of Black Hawk

H-5449

1 Amend the amendment, H-5403, to House File 2182 as
 2 follows:

3 1. Page 1, by inserting after line 42 the
 4 following:

5 “5. In addition to providing group B streptococcus
 6 information and testing, the following additional
 7 tests shall be routinely performed during pregnancy:

8 a. During an initial patient visit with a
 9 physician providing prenatal care:

10 (1) Blood typing, including rh factor.

11 (2) Antibody screen

12 (3) Complete blood count.

13 (4) Urine test, protein and sugar.

14 (5) Hepatitis B antigen.

15 (6) Syphilis test.

16 (7) Gonorrhea and chlamydia, where indicated.

17 (8) German measles immunity.

18 b. At fifteen weeks' gestation, serum alpha-
 19 fetoprotein test.

20 c. At twenty-six weeks' gestation:

21 (1) Glucose challenge screening for diabetes.

22 (2) Syphilis and diabetes recheck, when indicated.

23 d. At a point during pregnancy determined

24 appropriate by the physician providing prenatal care:

25 (1) Amniocentesis.

26 (2) Chorionic villus sampling.

27 (3) Pap smear.

28 (4) Herpes culture.

29 (5) Tay Sach's screening.

30 (6) Sickle cell screening.

31 (7) Tuberculosis screening.

32 (8) Hemoglobin-electrophoresis.

33 (9) Protime.

34 (10) Partial thromboplastintime prothrombintime.

35 (11) General chemistry screening.

36 (12) HIV screening.

37 (13) Glycohemoglobin.

38 (14) Serum iron.

39 (15) Stool screening.

40 (16) Thyroid function studies.

41 (17) TORCH battery.

42 (18) Toxoplasmosis titers.

- 43 (19) Varicella titers.
- 44 (20) Ferritin."
- 45 2. Page 1, line 50, by inserting after the word
- 46 "streptococcus" the following: "and other prenatal
- 47 testing".

MILLAGE of Scott

H-5452

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 10 through 15.
- 5 2. Page 2, by striking lines 19 and 20 and
- 6 inserting the following: "to the Iowa finance
- 7 authority for deposit in the housing improvement fund
- 8 created in section 16.100."
- 9 3. Page 6, lines 25 and 26, by striking the words
- 10 "and for allocating \$150,000 for the construction of a
- 11 new welcome center".
- 12 4. Page 6, line 27, by striking the figure
- 13 "390,000" and inserting the following: "240,000".
- 14 5. Page 10, line 1, by striking the figure
- 15 "2,729,542" and inserting the following: "2,554,542".
- 16 6. Page 12, line 37, by striking the figure
- 17 "100,000" and inserting the following: "425,000".

WISE of Lee
 WITT of Black Hawk
 NELSON of Pottawattamie
 SHOULTZ of Black Hawk
 JOCHUM of Dubuque
 DODERER of Johnson
 COHOON of Des Moines
 MURPHY of Dubuque

TAYLOR of Linn
 HOLVECK of Polk
 HARPER of Black Hawk
 BURNETT of Story
 OSTERHAUS of Jackson
 OLLIE of Clinton
 LARKIN of Lee

H-5453

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 42 through 44 and
- 5 inserting the following:
- 6 "For deposit in the strategic investment fund for
- 7 the purposes of the fund including providing funds for
- 8 use in making awards from the community economic
- 9 betterment account which, if under \$500,000, must be
- 10 to businesses able to pay 100 percent of the average
- 11 county wage within two years of project initiation,
- 12 and which, if \$500,000 or over, must be to businesses
- 13 able to pay at least 130 percent of the average county
- 14 wage, for providing that the wage cap in high wage
- 15 counties tied to an appropriate inflator for

16 determining eligibility for awards, and for reporting
 17 on the progress made by the department in making the
 18 community economic betterment program a self-
 19 sustaining, revolving loan program, and for salaries,
 20 support, and not more than the following full-time
 21 equivalent positions:"

22 2. Page 12, by inserting after line 45 the
 23 following:

24 "Sec. ____ NEW SECTION. 15.113 ECONOMIC
 25 DEVELOPMENT ASSISTANCE – REPORT.

26 In order for the general assembly to have accurate
 27 and complete information regarding expenditures for
 28 economic development and job training incentives and
 29 to respond to the job training needs of Iowa workers,
 30 the department shall report to the general assembly by
 31 January 15 of each year regarding all assistance or
 32 benefits provided under the community economic
 33 betterment program, the new jobs and income program,
 34 and the Iowa industrial new jobs training Act during
 35 the previous calendar year. The report shall identify
 36 by company name each individual business receiving any
 37 assistance or benefits and shall contain a breakdown
 38 by company name of the amount of assistance or
 39 benefits provided to each individual business,
 40 including the amount of local and state tax
 41 abatements, grants, loans, on-the-job and customized
 42 job training moneys received, and the actual or
 43 estimated tax credits taken."

44 3. Page 13, by inserting after line 8 the
 45 following:

46 "Sec. ____ NEW SECTION. 15.328 PUBLIC RECORDS.

47 Notwithstanding any other provision of the Code to
 48 the contrary, applications from businesses and
 49 communities and application files maintained by the
 50 department are public records. All details of an

Page 2

1 award under this part shall be disclosed to the public
 2 at the time public notice of the award is given."

3 4. Page 13, by inserting after line 13 the
 4 following:

5 "Sec. ____ NEW SECTION. 15A.4 COMPETITIVE
 6 PROGRAMS – GOOD NEIGHBOR AGREEMENT – ADDITIONAL
 7 CONSIDERATION.

8 For any program providing financial assistance for
 9 economic development in which the assistance is
 10 provided on a competitive basis, a business which
 11 enters into a good neighbor agreement shall receive
 12 extra consideration of at least ten points or the
 13 equivalent. A good neighbor agreement is an
 14 enforceable contract between the business and a
 15 community group or coalition of community groups which

16 requires the business to adhere to negotiated
 17 environmental, economic, labor, or other social and
 18 community standards.

19 A business which fails to abide by the good
 20 neighbor agreement shall repay all financial
 21 assistance received under the program."

22 5. By renumbering as necessary.

WISE of Lee
 MORELAND of Wapello
 MYERS of Johnson
 BELL of Jasper
 BURNETT of Story
 OLLIE of Clinton
 O'BRIEN of Boone
 DODERER of Johnson

LARKIN of Lee
 McCOY of Polk
 COHOON of Des Moines
 OSTERHAUS of Jackson
 MURPHY of Dubuque
 SHOULTZ of Black Hawk
 HOLVECK of Polk
 WARNSTADT of Woodbury

H-5455

1 Amend the amendment, H-5419, to Senate File 2443,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 13, by inserting after line 33 the
 5 following:

6 "Sec. ____ NEW SECTION. 476.4B UNIFORM TOLL
 7 RATES.

8 Except as otherwise specifically provided for by
 9 this chapter, a telephone company subject to rate
 10 regulation shall provide for uniform toll rates to be
 11 charged to all customers of the telephone company and
 12 shall not charge a different rate to a particular
 13 customer or class of customers than that charged to
 14 any other customer of the telephone company.

15 Sec. ____ Section 476.97, subsection 3, Code
 16 Supplement 1995, is amended by adding the following
 17 new paragraph:

18 NEW PARAGRAPH. f. Providing for uniform toll
 19 rates to be charged to all customers of the local
 20 exchange carrier."

21 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5456

1 Amend the amendment, H-5416, to House File 2182 as
 2 follows:

3 1. Page 1, by inserting after line 42 the
 4 following:

5 "5. In addition to providing group B streptococcus
 6 information and testing, the following additional
 7 tests shall be routinely performed during pregnancy:

8 a. During an initial patient visit with a
 9 physician providing prenatal care:

10 (1) Blood typing, including rh factor.

- 11 (2) Antibody screen
 12 (3) Complete blood count.
 13 (4) Urine test, protein and sugar.
 14 (5) Hepatitis B antigen.
 15 (6) Syphilis test.
 16 (7) Gonorrhoea and chlamydia, where indicated.
 17 (8) German measles immunity.
 18 b. At fifteen weeks' gestation, serum alpha-
 19 fetoprotein test.
 20 c. At twenty-six weeks' gestation:
 21 (1) Glucose challenge screening for diabetes.
 22 (2) Syphilis and diabetes recheck, when indicated.
 23 d. At a point during pregnancy determined
 24 appropriate by the physician providing prenatal care:
 25 (1) Amniocentesis.
 26 (2) Chorionic villus sampling.
 27 (3) Pap smear.
 28 (4) Herpes culture.
 29 (5) Tay Sach's screening.
 30 (6) Sickle cell screening.
 31 (7) Tuberculosis screening.
 32 (8) Hemoglobin-electrophoresis.
 33 (9) Protine.
 34 (10) Partial thromboplastintime prothrombintime.
 35 (11) General chemistry screening.
 36 (12) HIV screening.
 37 (13) Glycohemoglobin.
 38 (14) Serum iron.
 39 (15) Stool screening.
 40 (16) Thyroid function studies.
 41 (17) TORCH battery.
 42 (18) Toxoplasmosis titers.
 43 (19) Varicella titers.
 44 (20) Ferritin."
 45 2. Page 1, line 50, by inserting after the word
 46 "streptococcus" the following: "and other prenatal
 47 testing".

MILLAGE of Scott

H-5458

- 1 Amend the amendment, H-5419, to Senate File 2443,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 13, by inserting after line 33 the
 5 following:
 6 "Sec. ____ Section 99E.9, subsection 3, paragraph
 7 b, Code Supplement 1995, is amended to read as
 8 follows:
 9 b. The types of lottery games to be conducted.
 10 Rules governing the operation of a class of games are
 11 subject to chapter 17A. However, rules governing the
 12 particular features of specific games within a class

13 of games are not subject to chapter 17A. Such rules
 14 may include, but are not limited to, setting the name
 15 and prize structure of the game and shall be made
 16 available to the public prior to the time the games go
 17 on sale and shall be kept on file at the office of the
 18 commissioner. The board shall authorize instant
 19 lottery and on-line lotto games and may authorize the
 20 use of any type of lottery game that on May 3, 1985,
 21 has been conducted by a state lottery of another state
 22 in the United States, or any game that the board
 23 determines will achieve the revenue objectives of the
 24 lottery and is consistent with subsection 1. However,
 25 the board shall not authorize a game using an
 26 electronic computer terminal or other device if, upon
 27 winning a game, the terminal or device immediately
 28 dispenses coins or currency or a ticket, credit or
 29 token which is redeemable for cash or a prize. The
 30 board shall also not authorize a game which may be
 31 played directly from private residences through cable
 32 telecast, satellite, electronic computer terminal, or
 33 other electronic device if, upon winning a game,
 34 credit is awarded which may be redeemed for cash or a
 35 prize. In a game utilizing instant tickets other than
 36 pull-tab tickets, each ticket in the game shall bear a
 37 unique consecutive serial number distinguishing it
 38 from every other ticket in the game, and each lottery
 39 number or symbol shall be accompanied by a confirming
 40 caption consisting of a repetition of a symbol or a
 41 description of the symbol in words. In the game other
 42 than an instant game which uses tangible evidence of
 43 participation, each ticket shall bear a unique serial
 44 number distinguishing it from every other ticket in
 45 the game."

GRUBBS of Scott

H-5459

- 1 Amend the amendment, H-5174, to House File 2087, as
- 2 follows:
- 3 1. Page 2, line 2, by striking the word "solar,"
- 4 and inserting the following: "solar,".
- 5 2. Page 2, line 4, by striking the words "~~or~~
- 6 ~~woodburning~~" and inserting the following: ", or
- 7 woodburning".

HOLVECK of Polk
 MASCHER of Johnson

H-5460

- 1 Amend the amendment, H-5174, to House File 2087, as
- 2 follows:
- 3 1. Page 3, line 2, by striking the word "eighty-

4 nine" and inserting the following: "one hundred
5 ninety-four".

SHOULTZ of Black Hawk
MASCHER of Johnson
BURNETT of Story
VANDE HOEF of Osceola
WITT of Black Hawk

H-5461

1 Amend the amendment, H-5174, to House File 2087, as
2 follows:
3 1. Page 3, line 6, by inserting after the word
4 "section." the following: "The board shall allocate
5 the megawatts based upon each utility's percentage of
6 the total Iowa retail peak demand as of January 1,
7 1996."

HOLVECK of Polk
SHOULTZ of Black Hawk
MASCHER of Johnson
VANDE HOEF of Osceola
BURNETT of Story

H-5462

1 Amend the amendment, H-5174, to House File 2087, as
2 follows:
3 1. Page 3, line 21, by inserting after the word
4 "establish" the following: ", with the input of all
5 stakeholders,".

WITT of Black Hawk
HOLVECK of Polk

H-5463

1 Amend the amendment, H-5174, to House File 2087, as
2 follows:
3 1. Page 4, by inserting after line 31 the
4 following:
5 "7. ELECTRIC UTILITY PRODUCED ALTERNATIVE ENERGY.
6 An electric utility may produce its own alternate
7 energy by constructing and operating an alternate
8 energy production facility or small hydro facility.
9 However, the electric utility shall participate in the
10 competitive bidding process using a third-party
11 evaluator. A bid from an electric utility producing
12 its own alternate energy shall not take into account
13 regulated industry-based factors in order to produce a
14 lower cost bid. Regulated industry-based factors
15 include eminent domain and transmission ownership. An
16 electric utility may combine with one or more electric

17 utilities to construct and operate an alternate energy
18 production facility or small hydro facility for
19 purposes of this subsection.”

SHOULTZ of Black Hawk
MASCHER of Johnson
VANDE HOEF of Osceola
BURNETT of Story

H-5464

1 Amend the amendment, H-5174, to House File 2087, as
2 follows:
3 1. Page 4, by striking lines 2 through 13 and
4 inserting the following: “board for resolution.”

SHOULTZ of Black Hawk
BURNETT of Story
MASCHER of Johnson
VANDE HOEF of Osceola
HOLVECK of Polk

H-5465

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:
3 1. Page 1, line 3, by striking the word “clause.”
4 and inserting the following: “clause and inserting
5 the following:
6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
9 Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148 or 150A. Access to a
14 specialist may be conditioned upon a referral by a
15 primary care provider physician licensed under chapter
16 148 or 150A. Any copayment, deductible, cost
17 containment mechanism, or premium rate shall not
18 discriminate directly or indirectly upon the basis of
19 the license held by the physician. Access to a
20 specialist may be subject to a different copayment or
21 deductible than access to a primary care provider
22 physician. Access to a nonparticipating physician may
23 be restricted or may be subject to different
24 copayments, deductibles, or premium rates, or may be
25 excluded, provided that a plan shall not differentiate
26 or exclude a physician directly or indirectly upon the
27 basis of the license held by the physician.
28 For purposes of this section, “managed care health
29 plan or indemnity plan with a limited provider
30 network” means a health maintenance organization,

31 organized delivery system, accountable health plan,
 32 health care insurance plan which limits the number of
 33 health care providers who can provide services under
 34 the plan, preferred provider organization, exclusive
 35 provider organization, restricted access network, or
 36 similar health-care plan. For purposes of this
 37 section, "physician" means physician as defined in
 38 section 135.1 and licensed under chapter 148 or 150A.
 39 Sec. 2. Section 509.3, subsection 7, Code 1995, is
 40 amended by striking the subsection.
 41 Sec. 3. Section 514.7, unnumbered paragraph 4,
 42 Code 1995, is amended by striking the paragraph.
 43 Sec. 4. Section 514B.1, subsection 5, paragraph d,
 44 Code 1995, is amended by striking the paragraph."

METCALF of Polk

H-5467

1 Amend Senate File 2419, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 3, line 35, through page 5,
 4 line 13.
 5 2. By renumbering as necessary.

GRUBBS of Scott

H-5468

1 Amend Senate File 2443, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, line 18, by inserting after the word
 4 "purposes," the following: "promotion of export sales
 5 of Iowa's agricultural commodities and value-added
 6 agricultural products, and".
 7 2. Page 6, line 23, by striking the figure "7.00"
 8 and inserting the following: "10.00".
 9 3. Page 6, by inserting after line 23 the
 10 following:
 11 "From among the full-time equivalent positions
 12 authorized by this paragraph, one position shall be
 13 dedicated to the export sale of grain, one to the
 14 export sale of livestock, and one to the export sale
 15 of value-added agricultural products."

GREIG of Emmet
 KLEMME of Plymouth
 MERTZ of Kossuth
 WISE of Lee
 EDDIE of Buena Vista
 DRAKE of Pottawattamie

SALTON of Palo Alto
 MEYER of Sac
 MUNDIE of Webster
 HAHN of Muscatine
 VANDE HOEF of Osceola

H-5470

1 Amend House File 2369 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 135.23 GROUP B
5 STREPTOCOCCUS TESTING.

6 1. A physician providing prenatal care shall
7 routinely furnish pregnant patients with concise
8 written information, to be developed by the
9 department, regarding group B streptococcus disease
10 incidence, risks, prevention strategies, diagnosis,
11 and treatment. If a patient requests to be tested for
12 the presence of group B streptococcus, the physician
13 may perform a screening culture between the thirty-
14 fifth and thirty-seventh weeks of pregnancy.

15 2. The physician shall inform a patient who has
16 been tested of the test result. If a patient has
17 tested positive for group B streptococcus, the
18 physician or a designated member of the physician's
19 staff shall report this status to the hospital or
20 birth facility to which the patient is to be admitted.
21 This information shall be entered upon the patient's
22 medical records by a physician or designated hospital
23 or birth facility staff member prior to or at the time
24 of delivery.

25 3. As used in this section, "physician" means a
26 physician licensed to practice medicine and surgery or
27 osteopathic medicine and surgery.

28 4. If the centers for disease control and
29 prevention of the United States department of health
30 and human services, with the concurrence of the
31 American academy of pediatrics and the American
32 college of obstetrics and gynecology, determines that
33 culture screenings of pregnant women to identify those
34 who may have a positive screening result as a strategy
35 to prevent the onset of group B streptococcus disease
36 in newborns is no longer the most appropriate
37 strategy, is no longer indicated, or is replaced by a
38 treatment modality which renders the screening
39 unnecessary, the director shall adopt rules pursuant
40 to section 17A.4, subsection 2, and section 17A.5,
41 subsection 2, paragraph "b", to reflect the
42 determination.

43 Sec. 2. The director of public health shall adopt
44 rules pursuant to section 17A.4, subsection 2, and
45 section 17A.5, subsection 2, paragraph "b", necessary
46 to administer this section, and the rules shall become
47 effective July 1, 1996."

48 2. Title page, line 1, by inserting after the
49 word "the" the words "prenatal and".

50 3. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-5472

1 Amend Senate File 2162, as passed by the Senate, as

2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. NEW SECTION. 135.23 GROUP B
6 STREPTOCOCCUS TESTING.

7 1. A physician providing prenatal care shall
8 routinely furnish pregnant patients with concise
9 written information, to be developed by the
10 department, regarding group B streptococcus disease
11 incidence, risks, prevention strategies, diagnosis,
12 and treatment. If a patient requests to be tested for
13 the presence of group B streptococcus, the physician
14 may perform a screening culture between the thirty-
15 fifth and thirty-seventh weeks of pregnancy.

16 2. The physician shall inform a patient who has
17 been tested of the test result. If a patient has
18 tested positive for group B streptococcus, the
19 physician or a designated member of the physician's
20 staff shall report this status to the hospital or
21 birth facility to which the patient is to be admitted.
22 This information shall be entered upon the patient's
23 medical records by a physician or designated hospital
24 or birth facility staff member prior to or at the time
25 of delivery.

26 3. As used in this section, "physician" means a
27 physician licensed to practice medicine and surgery or
28 osteopathic medicine and surgery.

29 4. If the centers for disease control and
30 prevention of the United States department of health
31 and human services, with the concurrence of the
32 American academy of pediatrics and the American
33 college of obstetrics and gynecology, determines that
34 culture screenings of pregnant women to identify those
35 who may have a positive screening result as a strategy
36 to prevent the onset of group B streptococcus disease
37 in newborns is no longer the most appropriate
38 strategy, is no longer indicated, or is replaced by a
39 treatment modality which renders the screening
40 unnecessary, the director shall adopt rules pursuant
41 to section 17A.4, subsection 2, and section 17A.5,
42 subsection 2, paragraph "b", to reflect the
43 determination.

44 Sec. 2. The director of public health shall adopt
45 rules pursuant to section 17A.4, subsection 2, and
46 section 17A.5, subsection 2, paragraph "b", necessary
47 to administer this section, and the rules shall become
48 effective July 1, 1996."

49 2. Title page, line 1, by inserting after the
50 word "the" the following: "prenatal and".

Page 2

1 3. By renumbering as necessary.

H-5474

1 Amend House File 2087 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 28F.1, Code 1995, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 28F.1 SCOPE OF CHAPTER.

8 This chapter provides a means to reduce the cost of
9 local government by assisting public agencies in the
10 undertaking of joint financing and is intended to
11 provide specific state legislation consistent with
12 criteria established by regulations and rulings of the
13 commissioner of internal revenue, United States
14 department of treasury, in order for a separate joint
15 financing entity to be treated as a constituted
16 authority empowered to issue obligations on behalf of
17 political subdivisions of this state. This chapter
18 provides a means for the joint financing by public
19 agencies of works or facilities which are part of any
20 city enterprise as defined in section 384.24, county
21 enterprise as defined in section 331.461, city utility
22 as defined in section 362.2, joint water utility as
23 defined in section 389.1, or sanitary district as
24 defined in chapter 358. This chapter applies to the
25 acquisition, construction, reconstruction, ownership,
26 operation, repair, extension, or improvement of the
27 works or facilities, by a separate administrative or
28 legal entity created pursuant to chapter 28E or
29 chapter 389. When the legal entity created under this
30 chapter is comprised solely of cities, counties, or
31 sanitary districts established under chapter 358 or
32 any combination of these political subdivisions, or
33 any combination of the public agencies previously
34 specified in this section with other public agencies,
35 the entity shall be both a corporation and a political
36 subdivision with the name under which it was
37 organized. The legal entity may sue and be sued,
38 contract, acquire and hold real and personal property
39 necessary for corporate purposes, adopt a corporate
40 seal and alter the seal at pleasure, and execute all
41 powers conferred by this chapter.

42 Sec. 2. Section 28F.2, Code 1995, is amended to
43 read as follows:

44 28F.2 DEFINITIONS.

45 The terms "public agency", "state", and "private
46 agency" shall have the meanings prescribed by section
47 28E.2. The term "project" or "projects" shall mean
48 any works or facilities referred to in section 28F.1
49 and shall include all property real and personal,
50 pertinent thereto or connected with such project or

Page 2

- 1 projects, and the existing works or facilities, if
 2 any, to which such project or projects are an
 3 extension, addition, betterment, or improvement.
 4 ~~"Electric power agency" means an entity financing or~~
 5 ~~acquiring electric power facilities pursuant to this~~
 6 ~~chapter or chapter 28E.~~
 7 Sec. 3. Section 28F.7, unnumbered paragraph 2,
 8 Code 1995, is amended by striking the paragraph."
 9 2. Title page, line 1, by inserting after the
 10 word "production" the following: "and allowing for
 11 joint financing for municipal utilities".
 12 3. By renumbering as necessary.

VANDE HOEF of Osceola
 KLEMME of Plymouth
 HUSEMAN of Cherokee
 EDDIE of Buena Vista
 BURNETT of Story

H-5475

- 1 Amend the amendment, H-5174, to House File 2087, as
 2 follows:
 3 1. Page 1, by inserting after line 3 the
 4 following:
 5 "Sec. ____ Section 28F.1, Code 1995, is amended
 6 by striking the section and inserting in lieu thereof
 7 the following:
 8 28F.1 SCOPE OF CHAPTER.
 9 This chapter provides a means to reduce the cost of
 10 local government by assisting public agencies in the
 11 undertaking of joint financing and is intended to
 12 provide specific state legislation consistent with
 13 criteria established by regulations and rulings of the
 14 commissioner of internal revenue, United States
 15 department of treasury, in order for a separate joint
 16 financing entity to be treated as a constituted
 17 authority empowered to issue obligations on behalf of
 18 political subdivisions of this state. This chapter
 19 provides a means for the joint financing by public
 20 agencies of works or facilities which are part of any
 21 city enterprise as defined in section 384.24, county
 22 enterprise as defined in section 331.461, city utility
 23 as defined in section 362.2, joint water utility as
 24 defined in section 389.1, or sanitary district as
 25 defined in chapter 358. This chapter applies to the
 26 acquisition, construction, reconstruction, ownership,
 27 operation, repair, extension, or improvement of the
 28 works or facilities, by a separate administrative or
 29 legal entity created pursuant to chapter 28E or
 30 chapter 389. When the legal entity created under this
 31 chapter is comprised solely of cities, counties, or
 32 sanitary districts established under chapter 358 or

33 any combination of these political subdivisions, or
 34 any combination of the public agencies previously
 35 specified in this section with other public agencies,
 36 the entity shall be both a corporation and a political
 37 subdivision with the name under which it was
 38 organized. The legal entity may sue and be sued,
 39 contract, acquire and hold real and personal property
 40 necessary for corporate purposes, adopt a corporate
 41 seal and alter the seal at pleasure, and execute all
 42 powers conferred by this chapter.

43 Sec. ____ Section 28F.2, Code 1995, is amended to
 44 read as follows:

45 28F.2 DEFINITIONS.

46 The terms "public agency", "state", and "private
 47 agency" shall have the meanings prescribed by section
 48 28E.2. The term "project" or "projects" shall mean
 49 any works or facilities referred to in section 28F.1
 50 and shall include all property real and personal,

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1 pertinent thereto or connected with such project or
 2 projects, and the existing works or facilities, if
 3 any, to which such project or projects are an
 4 extension, addition, betterment, or improvement.
 5 ~~"Electric power agency" means an entity financing or~~
 6 ~~acquiring electric power facilities pursuant to this~~
 7 ~~chapter or chapter 28E.~~

8 Sec. ____ Section 28F.7, unnumbered paragraph 2,
 9 Code 1995, is amended by striking the paragraph."

10 2. Page 5, line 7, by inserting after the word
 11 "to" the following: "joint financing for municipal
 12 utilities,".

13 3. By renumbering as necessary.

VANDE HOEF of Osceola
 KLEMME of Plymouth
 HUSEMAN of Cherokee
 EDDIE of Buena Vista
 BURNETT of Story

H-5476

1. Amend the amendment, H-5419, to Senate File 2443,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 5, line 10, by inserting after the word
 5 "purposes," the following: "for promotion of export
 6 sales of Iowa's agricultural commodities and value-
 7 added agricultural products,".

8 2. Page 5, line 13, by striking the figure "9.00"
 9 and inserting the following: "12.00".

10 3. Page 5, by inserting after line 13 the
 11 following:

12 "From among the full-time equivalent positions
 13 authorized by this paragraph, one position shall be
 14 dedicated to the export sale of grain, one to the
 15 export sale of livestock, and one to the export sale
 16 of value-added agricultural products."

GREIG of Emmet
 KLEMME of Plymouth
 MERTZ of Kossuth
 WISE of Lee

SALTON of Palo Alto
 MEYER of Sac
 MUNDIE of Webster
 HAHN of Muscatine

H-5477

- 1 Amend the amendment, H-5422, to HF 2454, as
 2 follows:
 3 1. Page 1, by inserting after line 12 the
 4 following:
 5 " . Page 2, by inserting after line 24 the
 6 following:
 7 "Sec. . Section 142B.6, Code 1995, is amended
 8 to read as follows:
 9 142B.6 CIVIL PENALTY FOR VIOLATION - UNIFORM
 10 APPLICATION ENFORCEMENT.
 11 A person who smokes in those areas prohibited in
 12 section 142B.2, or who violates section 142B.4, shall
 13 pay a civil fine pursuant to section 805.8, subsection
 14 11, for each violation.
 15 Judicial magistrates shall hear and determine
 16 violations of this chapter. The civil penalties paid
 17 pursuant to this chapter shall be deposited in the
 18 county treasury.
 19 ~~Enforcement of this chapter shall be implemented in~~
 20 ~~an equitable manner throughout the state. For the~~
 21 ~~purpose of equitable and uniform implementation,~~
 22 ~~application, and enforcement of state and local laws~~
 23 ~~and regulations, the provisions of this chapter shall~~
 24 ~~supersede any local law or regulation which is~~
 25 ~~inconsistent with or conflicts with the provisions of~~
 26 ~~this chapter. The Iowa department of public health~~
 27 ~~shall adopt rules to enforce this chapter.~~
 28 Sec. 101. NEW SECTION. 249A.30 RECOVERY OF
 29 MEDICAL ASSISTANCE EXPENDITURE - CIGARETTE AND
 30 TOBACCO PRODUCTS - RELATED MEDICAL EXPENSES BY
 31 RESIDENT RECIPIENTS.
 32 1. Notwithstanding chapter 668, the attorney
 33 general may institute a civil action on behalf of the
 34 state against any manufacturer of cigarettes or other
 35 tobacco products to recover the full amount of medical
 36 assistance provided by the state to a resident of the
 37 state for the payment of medical services which are
 38 reasonably attributable to the use of cigarettes or
 39 tobacco products and all reasonable expenses
 40 associated with instituting the action.
 41 2. In determining liability in an action under

42 this section, all of the following shall apply:

- 43 a. Any manufacturer of cigarettes or other tobacco
44 products shall be strictly liable for the medical
45 expenses reasonably attributable to the use of the
46 manufacturer's product, without regard to any
47 negligence, intent, warnings, or other conduct or
48 knowledge on the part of the manufacturer.
49 b. The state may recover medical expenses, without
50 regard to the defenses of assumption of the risk,

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1 contributory or comparative negligence, or other
2 defenses which might be asserted.

3 c. Any action instituted by the attorney general
4 is independent of any rights or causes of action of
5 any individual.

6 3. In determining the extent of the liability of
7 any manufacturer under this section, the court shall
8 apply the following evidentiary presumptions:

9 a. The ratio of the expenses attributable to the
10 use of cigarettes or tobacco products produced by any
11 manufacturer to the expenses of all manufacturers is
12 presumed to be equivalent to the ratio of the sales by
13 the manufacturer within the state during the most
14 recent year for which data are available to the sales
15 of all manufacturers for that year.

16 b. The medical expenses for individuals
17 attributable to the use of cigarettes or tobacco
18 products shall be based on reliable estimates for the
19 class of persons affected, rather than proof of the
20 cause of expenses in the case of any particular
21 individual.

22 c. Estimates of medical expenses shall be based on
23 epidemiological, scientific, survey, and other data,
24 determined by the director of public health to be
25 reliable and reasonably available. The Iowa
26 department of public health shall adopt rules to
27 specify the methodology for making the estimates in
28 any action under this section.

29 d. A defendant shall have the opportunity to rebut
30 any presumption by clear and convincing evidence,
31 provided that the court shall take reasonable steps to
32 ensure that determination of damages is concluded in a
33 timely and expeditious manner and that no party to the
34 action is permitted to unduly delay the conclusion of
35 the action.

36 4. For the purposes of this section, "cigarette"
37 and "tobacco products" mean cigarette and tobacco
38 products as defined in section 453A.1."

39 ___ Page 3, by inserting after line 16 the
40 following:

41 "Sec. ___ Section 453A.2, Code 1995, is amended

42 by adding the following new subsection:

43 NEW SUBSECTION. 5. A violation of subsection 1 is
44 a violation of section 714.16, subsection 2, paragraph
45 "a".

46 Sec. ____ Section 453A.3, unnumbered paragraph 1,
47 Code 1995, is amended to read as follows:

48 A person who violates section 453A.2, subsection 1,
49 ~~or section 453A.39~~ is guilty of a simple misdemeanor.

50 Sec. ____ Section 453A.22, subsection 2,

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1 unnumbered paragraph 1, Code 1995, is amended to read
2 as follows:

3 If a retailer or employee of a retailer has
4 violated section 453A.2, ~~or 453A.36~~, subsection 6, ~~or~~
5 ~~453A.39 8, or 9~~, the department or local authority, in
6 addition to the other penalties fixed for such
7 violations in this section, shall assess a penalty
8 upon the same hearing and notice as prescribed in
9 subsection 1 as follows:

10 Sec. ____ Section 453A.36, Code 1995, is amended
11 by adding the following new subsections:

12 NEW SUBSECTION. 8. A manufacturer, distributor,
13 wholesaler, retailer, distributing agent, or agent
14 thereof shall not give away cigarettes or tobacco
15 products at any time in connection with the
16 manufacturer's, distributor's, wholesaler's,
17 retailer's, or distributing agent's business or for
18 promotion of the business or product. A manufacturer,
19 distributor, wholesaler, retailer, distributing agent,
20 or agent thereof who violates this subsection is
21 guilty of a serious misdemeanor.

22 NEW SUBSECTION. 9. It is unlawful for any
23 manufacturer, distributor, wholesaler, retailer,
24 distributing agent, or agent thereof to advertise on
25 any advertising device cigarettes or other tobacco
26 products within one thousand feet of any playground,
27 school, high school, or other facility when such
28 facility is being used primarily by persons under age
29 eighteen for recreational, educational, or other
30 purposes. A manufacturer, distributor, wholesaler,
31 retailer, distributing agent, or agent thereof who
32 violates this subsection is guilty of a serious
33 misdemeanor.

34 Sec. ____ Section 453A.56, Code 1995, is amended
35 to read as follows:

36 453A.56 UNIFORM APPLICATION.

37 Enforcement of this chapter shall be implemented in
38 an equitable manner throughout the state. For the
39 purpose of equitable and uniform implementation,
40 application, and enforcement of state and local laws
41 and regulations, the provisions of this chapter shall

42 supersede any local law or regulation which is
 43 inconsistent with or conflicts with the provisions of
 44 this chapter, unless the local law or regulation is
 45 more restrictive in application in which case the more
 46 restrictive portion of the local law or regulation
 47 shall supersede any inconsistent or conflicting
 48 provision of this chapter."
 49 ____ Page 3, by inserting after line 21 the
 50 following:

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1 "Sec. ____ Section 453A.39, Code 1995, is
 2 repealed.
 3 Sec. ____ Section 101 of this Act, relating to the
 4 recovery of medical assistance expenditures due to
 5 smoking, being deemed of immediate importance, takes
 6 effect upon enactment.
 7 Sec. ____ RETROACTIVE APPLICABILITY. The state
 8 may recover, pursuant to section 249A.30, in addition
 9 to any subsequent damages, any applicable damages
 10 incurred within the two years preceding the date of
 11 enactment of section 249A.30 of this Act."
 12 ____ Title page, by striking line 6 and inserting
 13 the following: "substances; providing penalties,
 14 establishing civil penalties, making penalties
 15 applicable, providing effective dates, and providing a
 16 repeal."
 17 2. By renumbering as necessary.

BRAMMER of Linn

H-5483

1 Amend House File 2447 as follows:
 2 1. Page 4, by inserting after line 33 the
 3 following:
 4 "____ Gas or electric utilities required to be
 5 rate-regulated under this chapter shall utilize Iowa
 6 agencies and Iowa contractors to the maximum extent
 7 cost effective in their energy efficiency plans filed
 8 with the board.
 9 ____ Except for current contractual obligations, a
 10 gas or electric public utility required to be rate-
 11 regulated under this chapter, or its affiliates, shall
 12 not, in providing sales and servicing of residential
 13 gas or electric heating, ventilating, or air
 14 conditioning systems, use any property, equipment, or
 15 facilities included as part of the utility's rate
 16 base, or any employees, other than corporate officers,
 17 whose salaries, benefits, or both are included to any
 18 extent as expenses recoverable in a rate proceeding.
 19 The public utility's name and logo and the utility
 20 services referenced in section 476.80 may be used in

21 marketing and furnishing these services.”

NUTT of Woodbury
METCALF of Polk
BAKER of Polk

H-5484

1 Amend the amendment, H-5280, to House File 2454, as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 “ Page 2, by inserting after line 24 the
6 following:

7 “Sec. ____ Section 142B.6, Code 1995, is amended
8 to read as follows:

9 142B.6 CIVIL PENALTY FOR VIOLATION – UNIFORM
10 APPLICATION ENFORCEMENT.

11 A person who smokes in those areas prohibited in
12 section 142B.2, or who violates section 142B.4, shall
13 pay a civil fine pursuant to section 805.8, subsection
14 11, for each violation.

15 Judicial magistrates shall hear and determine
16 violations of this chapter. The civil penalties paid
17 pursuant to this chapter shall be deposited in the
18 county treasury.

19 ~~Enforcement of this chapter shall be implemented in~~
20 ~~an equitable manner throughout the state. For the~~
21 ~~purpose of equitable and uniform implementation,~~
22 ~~application, and enforcement of state and local laws~~
23 ~~and regulations, the provisions of this chapter shall~~
24 ~~supersede any local law or regulation which is~~
25 ~~inconsistent with or conflicts with the provisions of~~
26 ~~this chapter. The Iowa department of public health~~
27 ~~shall adopt rules to enforce this chapter.~~

28 Sec. 101. NEW SECTION. 249A.30 RECOVERY OF
29 MEDICAL ASSISTANCE EXPENDITURE – CIGARETTE AND
30 TOBACCO PRODUCTS – RELATED MEDICAL EXPENSES BY
31 RESIDENT RECIPIENTS.

32 1. Notwithstanding chapter 668, the attorney
33 general may institute a civil action on behalf of the
34 state against any manufacturer of cigarettes or other
35 tobacco products to recover the full amount of medical
36 assistance provided by the state to a resident of the
37 state for the payment of medical services which are
38 reasonably attributable to the use of cigarettes or
39 tobacco products and all reasonable expenses
40 associated with instituting the action.

41 2. In determining liability in an action under
42 this section, all of the following shall apply:

43 a. Any manufacturer of cigarettes or other tobacco
44 products shall be strictly liable for the medical
45 expenses reasonably attributable to the use of the
46 manufacturer's product, without regard to any

47 negligence, intent, warnings, or other conduct or
48 knowledge on the part of the manufacturer.
49 b. The state may recover medical expenses, without
50 regard to the defenses of assumption of the risk,

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1 contributory or comparative negligence, or other
2 defenses which might be asserted.

3 c. Any action instituted by the attorney general
4 is independent of any rights or causes of action of
5 any individual.

6 3. In determining the extent of the liability of
7 any manufacturer under this section, the court shall
8 apply the following evidentiary presumptions:

9 a. The ratio of the expenses attributable to the
10 use of cigarettes or tobacco products produced by any
11 manufacturer to the expenses of all manufacturers is
12 presumed to be equivalent to the ratio of the sales by
13 the manufacturer within the state during the most
14 recent year for which data are available to the sales
15 of all manufacturers for that year.

16 b. The medical expenses for individuals
17 attributable to the use of cigarettes or tobacco
18 products shall be based on reliable estimates for the
19 class of persons affected, rather than proof of the
20 cause of expenses in the case of any particular
21 individual.

22 c. Estimates of medical expenses shall be based on
23 epidemiological, scientific, survey, and other data,
24 determined by the director of public health to be
25 reliable and reasonably available. The Iowa
26 department of public health shall adopt rules to
27 specify the methodology for making the estimates in
28 any action under this section.

29 d. A defendant shall have the opportunity to rebut
30 any presumption by clear and convincing evidence,
31 provided that the court shall take reasonable steps to
32 ensure that determination of damages is concluded in a
33 timely and expeditious manner and that no party to the
34 action is permitted to unduly delay the conclusion of
35 the action.

36 4. For the purposes of this section, "cigarette"
37 and "tobacco products" mean cigarette and tobacco
38 products as defined in section 453A.1."

39 2. Page 1, by inserting after line 3 the
40 following:

41 "Sec. ____ Section 453A.2, Code 1995, is amended
42 by adding the following new subsection:

43 NEW SUBSECTION. 5. A violation of subsection 1 is
44 a violation of section 714.16, subsection 2, paragraph
45 "a".

46 Sec. ____ Section 453A.3, unnumbered paragraph 1,

47 Code 1995, is amended to read as follows:

48 A person who violates section 453A.2, subsection 1,
 49 ~~or section 453A.39~~ is guilty of a simple misdemeanor.
 50 Sec. ____ Section 453A.22, subsection 2,

Page 3

1 unnumbered paragraph 1, Code 1995, is amended to read
 2 as follows:

3 If a retailer or employee of a retailer has
 4 violated section 453A.2, ~~or~~ 453A.36, subsection 6, ~~or~~
 5 ~~453A.39 8, or 9~~, the department or local authority, in
 6 addition to the other penalties fixed for such
 7 violations in this section, shall assess a penalty
 8 upon the same hearing and notice as prescribed in
 9 subsection 1 as follows:"

10 3. Page 1, line 11, by striking the word
 11 "subsection" and inserting the following:
 12 "subsections".

13 4. Page 1, by inserting after line 11 the
 14 following:

15 "NEW SUBSECTION. 8. It is unlawful for any
 16 manufacturer, distributor, wholesaler, retailer,
 17 distributing agent, or agent thereof to advertise on
 18 any advertising device cigarettes or other tobacco
 19 products within one thousand feet of any playground,
 20 school, high school, or other facility when such
 21 facility is being used primarily by persons under age
 22 eighteen for recreational, educational, or other
 23 purposes. A manufacturer, distributor, wholesaler,
 24 retailer, distributing agent, or agent thereof who
 25 violates this subsection is guilty of a serious
 26 misdemeanor."

27 5. Page 1, by inserting after line 18 the
 28 following:

29 "Sec. ____ Section 453A.56, Code 1995, is amended
 30 to read as follows:

31 453A.56 UNIFORM APPLICATION.

32 Enforcement of this chapter shall be implemented in
 33 an equitable manner throughout the state. For the
 34 purpose of equitable and uniform implementation,
 35 application, and enforcement of state and local laws
 36 and regulations, the provisions of this chapter shall
 37 supersede any local law or regulation which is
 38 inconsistent with or conflicts with the provisions of
 39 this chapter, unless the local law or regulation is
 40 more restrictive in application in which case the more
 41 restrictive portion of the local law or regulation
 42 shall supersede any inconsistent or conflicting
 43 provision of this chapter."

44 ____ Page 3, by inserting after line 21 the
 45 following:

46 "Sec. ____ Section 453A.39, Code 1995, is

47 repealed.
 48 Sec. ____ Section 101 of this Act, relating to the
 49 recovery of medical assistance expenditures due to
 50 smoking, being deemed of immediate importance, takes

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1 effect upon enactment.
 2 Sec. ____ RETROACTIVE APPLICABILITY. The state
 3 may recover, pursuant to section 249A.30, in addition
 4 to any subsequent damages, any applicable damages
 5 incurred within the two years preceding the date of
 6 enactment of section 249A.30 of this Act."
 7 ____ Title page, by striking line 6 and inserting
 8 the following: "substances; providing penalties,
 9 establishing civil penalties, making penalties
 10 applicable, providing an effective date, and providing
 11 a repeal."
 12 6. By renumbering as necessary.

BRAMMER of Linn

H-5498

1 Amend the amendment, H-5470, to House File 2369 as
 2 follows:
 3 1. Page 1, by inserting after line 42 the
 4 following:
 5 "5. In addition to providing group B streptococcus
 6 information and testing, the following additional
 7 tests shall be routinely performed during pregnancy:
 8 a. During an initial patient visit with a
 9 physician providing prenatal care:
 10 (1) Blood typing, including rh factor.
 11 (2) Antibody screen
 12 (3) Complete blood count.
 13 (4) Urine test, protein and sugar.
 14 (5) Hepatitis B antigen.
 15 (6) Syphilis test.
 16 (7) Gonorrhea and chlamydia, where indicated.
 17 (8) German measles immunity.
 18 b. At fifteen weeks' gestation, serum alpha-
 19 fetoprotein test.
 20 c. At twenty-six weeks' gestation:
 21 (1) Glucose challenge screening for diabetes.
 22 (2) Syphilis and diabetes recheck, when indicated.
 23 d. At a point during pregnancy determined
 24 appropriate by the physician providing prenatal care:
 25 (1) Amniocentesis.
 26 (2) Chorionic villus sampling.
 27 (3) Pap smear.
 28 (4) Herpes culture.
 29 (5) Tay Sach's screening.
 30 (6) Sickle cell screening.

- 31 (7) Tuberculosis screening.
- 32 (8) Hemoglobin-electrophoresis.
- 33 (9) Protime.
- 34 (10) Partial thromboplastintime prothrombintime.
- 35 (11) General chemistry screening.
- 36 (12) HIV screening.
- 37 (13) Glycohemoglobin.
- 38 (14) Serum iron.
- 39 (15) Stool screening.
- 40 (16) Thyroid function studies.
- 41 (17) TORCH battery.
- 42 (18) Toxoplasmosis titers.
- 43 (19) Varicella titers.
- 44 (20) Ferritin."

MILLAGE of Scott

H-5499

- 1 Amend House File 2236 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "charge" the following: ", so long as the creditor
- 4 discloses such change to the consumer within sixty
- 5 days after the effective date of the change".

KREIMAN of Davis

H-5500

- 1 Amend House File 2272 as follows:
- 2 1. Page 1, by striking lines 3 through 8 and
- 3 inserting the following:
- 4 "8. "Legal guardian" means a person appointed by a
- 5 court pursuant to chapter 232, 237, or 633. In the
- 6 ~~case of a minor, "legal guardian" also means a parent~~
- 7 ~~or other person responsible for the care of the~~
- 8 ~~minor."~~

KREIMAN of Davis

H-5501

- 1 Amend the amendment, H-5422, to House File 2454, as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "_. Page 2, by inserting after line 24 the
- 6 following:
- 7 "Sec. __. Section 142B.6, Code 1995, is amended
- 8 to read as follows:
- 9 142B.6 CIVIL PENALTY FOR VIOLATION - UNIFORM
- 10 APPLICATION ENFORCEMENT.
- 11 A person who smokes in those areas prohibited in
- 12 section 142B.2, or who violates section 142B.4, shall
- 13 pay a civil fine pursuant to section 805.8, subsection
- 14 11, for each violation.

15 Judicial magistrates shall hear and determine
 16 violations of this chapter. The civil penalties paid
 17 pursuant to this chapter shall be deposited in the
 18 county treasury.

19 ~~Enforcement of this chapter shall be implemented in
 20 an equitable manner throughout the state. For the
 21 purpose of equitable and uniform implementation,
 22 application, and enforcement of state and local laws
 23 and regulations, the provisions of this chapter shall
 24 supersede any local law or regulation which is
 25 inconsistent with or conflicts with the provisions of
 26 this chapter. The Iowa department of public health
 27 shall adopt rules to enforce this chapter.~~

28 Sec. 101. NEW SECTION. 249A.30 RECOVERY OF
 29 MEDICAL ASSISTANCE EXPENDITURE – CIGARETTE AND
 30 TOBACCO PRODUCTS – RELATED MEDICAL EXPENSES BY
 31 RESIDENT RECIPIENTS.

32 1. Notwithstanding chapter 668, the attorney
 33 general may institute a civil action on behalf of the
 34 state against any manufacturer of cigarettes or other
 35 tobacco products to recover the full amount of medical
 36 assistance provided by the state to a resident of the
 37 state for the payment of medical services which are
 38 reasonably attributable to the use of cigarettes or
 39 tobacco products and all reasonable expenses
 40 associated with instituting the action.

41 2. In determining liability in an action under
 42 this section, all of the following shall apply:

43 a. Any manufacturer of cigarettes or other tobacco
 44 products shall be strictly liable for the medical
 45 expenses reasonably attributable to the use of the
 46 manufacturer's product, without regard to any
 47 negligence, intent, warnings, or other conduct or
 48 knowledge on the part of the manufacturer.

49 b. The state may recover medical expenses, without
 50 regard to the defenses of assumption of the risk,

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1 contributory or comparative negligence, or other
 2 defenses which might be asserted.

3 c. Any action instituted by the attorney general
 4 is independent of any rights or causes of action of
 5 any individual.

6 3. In determining the extent of the liability of
 7 any manufacturer under this section, the court shall
 8 apply the following evidentiary presumptions:

9 a. The ratio of the expenses attributable to the
 10 use of cigarettes or tobacco products produced by any
 11 manufacturer to the expenses of all manufacturers is
 12 presumed to be equivalent to the ratio of the sales by
 13 the manufacturer within the state during the most
 14 recent year for which data are available to the sales

15 of all manufacturers for that year.

16 b. The medical expenses for individuals
17 attributable to the use of cigarettes or tobacco
18 products shall be based on reliable estimates for the
19 class of persons affected, rather than proof of the
20 cause of expenses in the case of any particular
21 individual.

22 c. Estimates of medical expenses shall be based on
23 epidemiological, scientific, survey, and other data,
24 determined by the director of public health to be
25 reliable and reasonably available. The Iowa
26 department of public health shall adopt rules to
27 specify the methodology for making the estimates in
28 any action under this section.

29 d. A defendant shall have the opportunity to rebut
30 any presumption by clear and convincing evidence,
31 provided that the court shall take reasonable steps to
32 ensure that determination of damages is concluded in a
33 timely and expeditious manner and that no party to the
34 action is permitted to unduly delay the conclusion of
35 the action.

36 4. For the purposes of this section, "cigarette"
37 and "tobacco products" mean cigarette and tobacco
38 products as defined in section 453A.1."

39 . Page 3, by inserting after line 16 the
40 following:

41 "Sec. ____ Section 422B.1, subsections 3, 4, 5, 6,
42 8, and 9, Code Supplement 1995, are amended to read as
43 follows:

44 3. A local option tax shall be imposed only after
45 an election at which a majority of those voting on the
46 question favors imposition and shall then be imposed
47 until repealed as provided in subsection 6, paragraph
48 "a". If the tax is a local vehicle tax imposed by a
49 county, it shall apply to all incorporated and
50 unincorporated areas of the county. If the tax is a

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1 local sales and services tax or a local cigarette and
2 tobacco tax imposed by a county, it shall only apply
3 to those incorporated areas and the unincorporated
4 area of that county in which a majority of those
5 voting in the area on the tax favors its imposition.
6 For purposes of the local sales and services tax or a
7 local cigarette and tobacco tax, all cities contiguous
8 to each other shall be treated as part of one
9 incorporated area and the tax would be imposed in each
10 of those contiguous cities only if the majority of
11 those voting in the total area covered by the
12 contiguous cities favors its imposition. For purposes
13 of the local sales and services tax or a local
14 cigarette and tobacco tax, a city is not contiguous to

15 another city if the only road access between the two
16 cities is through another state.

17 4. a. A county board of supervisors shall direct
18 within thirty days the county commissioner of
19 elections to submit the question of imposition of a
20 local vehicle tax, ~~or~~ a local sales and services tax,
21 or a local cigarette and tobacco tax to the registered
22 voters of the incorporated and unincorporated areas of
23 the county upon receipt of a petition, requesting
24 imposition of a local vehicle tax, ~~or~~ a local sales
25 and services tax, or a local cigarette and tobacco
26 tax, signed by eligible electors of the whole county
27 equal in number to five percent of the persons in the
28 whole county who voted at the last preceding state
29 general election. In the case of a local vehicle tax,
30 the petition requesting imposition shall specify the
31 rate of tax and the classes, if any, that are to be
32 exempt. If more than one valid petition is received,
33 the earliest received petition shall be used.

34 b. The question of the imposition of a local sales
35 and services tax or a local cigarette and tobacco tax
36 shall be submitted to the registered voters of the
37 incorporated and unincorporated areas of the county
38 upon receipt by the county commissioner of elections
39 of the motion or motions, requesting such submission,
40 adopted by the governing body or bodies of the city or
41 cities located within the county or of the county, for
42 the unincorporated areas of the county, representing
43 at least one half of the population of the county.
44 Upon adoption of such motion, the governing body of
45 the city or county, for the unincorporated areas,
46 shall submit the motion to the county commissioner of
47 elections and in the case of the governing body of the
48 city shall notify the board of supervisors of the
49 adoption of the motion. The county commissioner of
50 elections shall keep a file on all the motions

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1 received and, upon reaching the population
2 requirements, shall publish notice of the ballot
3 proposition concerning the imposition of the local
4 sales and services tax or a local cigarette and
5 tobacco tax. A motion ceases to be valid at the time
6 of the holding of the regular election for the
7 election of members of the governing body which
8 adopted the motion. The county commissioner of
9 elections shall eliminate from the file any motion
10 that ceases to be valid. The manner provided under
11 this paragraph for the submission of the question of
12 imposition of a local sales and services tax or a
13 local cigarette and tobacco tax is an alternative to
14 the manner provided in paragraph "a".

15 5. The county commissioner of elections shall
16 submit the question of imposition of a local option
17 tax at a state general election or at a special
18 election held at any time other than the time of a
19 city regular election. The election shall not be held
20 sooner than sixty days after publication of notice of
21 the ballot proposition. The ballot proposition shall
22 specify the type and rate of tax and in the case of a
23 vehicle tax the classes that will be exempt and in the
24 case of a local sales and services tax or a local
25 cigarette and tobacco tax the date it will be imposed.
26 The ballot proposition shall also specify the
27 approximate amount of local option tax revenues that
28 will be used for property tax relief and shall contain
29 a statement as to the specific purpose or purposes for
30 which the revenues shall otherwise be expended. If
31 the county board of supervisors decides under
32 subsection 6 to specify a date on which the local
33 option sales and services tax or a local cigarette and
34 tobacco tax shall automatically be repealed, the date
35 of the repeal shall also be specified on the ballot.
36 The rate of the vehicle tax shall be in increments of
37 one dollar per vehicle as set by the petition seeking
38 to impose the tax. The rate of a local sales and
39 services tax shall not be more than one percent as set
40 by the governing body. The rate of the cigarette and
41 tobacco tax shall not be more than ten percent as set
42 by the governing body. The state commissioner of
43 elections shall establish by rule the form for the
44 ballot proposition which form shall be uniform
45 throughout the state.

46 6. a. If a majority of those voting on the
47 question of imposition of a local option tax favor
48 imposition of a local option tax, the governing body
49 of that county shall impose the tax at the rate
50 specified for an unlimited period. However, in the

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1 case of a local sales and services tax or a local
2 cigarette and tobacco tax, the county shall not impose
3 the tax in any incorporated area or the unincorporated
4 area if the majority of those voting on the tax in
5 that area did not favor its imposition. For purposes
6 of the local sales and services tax or a local
7 cigarette and tobacco tax, all cities contiguous to
8 each other shall be treated as part of one
9 incorporated area and the tax shall be imposed in each
10 of those contiguous cities only if the majority of
11 those voting on the tax in the total area covered by
12 the contiguous cities favored its imposition. The
13 local option tax may be repealed or the rate increased
14 or decreased or the use thereof changed after an

15 election at which a majority of those voting on the
16 question of repeal or rate or use change favored the
17 repeal or rate or use change. The election at which
18 the question of repeal or rate or use change is
19 offered shall be called and held in the same manner
20 and under the same conditions as provided in
21 subsections 4 and 5 for the election on the imposition
22 of the local option tax. However, in the case of a
23 local sales and services tax or a local cigarette and
24 tobacco tax where the tax has not been imposed
25 countywide, the question of repeal or imposition or
26 rate or use change shall be voted on only by the
27 registered voters of the areas of the county where the
28 tax has been imposed or has not been imposed, as
29 appropriate. However, the governing body of the
30 incorporated area or unincorporated area where the
31 local sales and services tax or a local cigarette and
32 tobacco tax is imposed may, upon its own motion,
33 request the county commissioner of elections to hold
34 an election in the incorporated or unincorporated
35 area, as appropriate, on the question of the change in
36 use of local sales and services tax revenues. The
37 election may be held at any time but not sooner than
38 sixty days following publication of the ballot
39 proposition. If a majority of those voting in the
40 incorporated or unincorporated area on the change in
41 use favor the change, the governing body of that area
42 shall change the use to which the revenues shall be
43 used. The ballot proposition shall list the present
44 use of the revenues, the proposed use, and the date
45 after which revenues received will be used for the new
46 use.

47 When submitting the question of the imposition of a
48 local sales and services tax or a local cigarette and
49 tobacco tax, the county board of supervisors may
50 direct that the question contain a provision for the

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- 1 repeal, without election, of the local sales and
2 services tax or a local cigarette and tobacco tax on a
3 specific date, which date shall be the end of a
4 calendar quarter.
- 5 b. Within ten days of the election at which a
6 majority of those voting on the question favors the
7 imposition, repeal, or change in the rate of a local
8 option tax, the governing body shall give written
9 notice to the director of revenue and finance or, in
10 the case of a local vehicle tax, to the director of
11 the department of transportation, of the result of the
12 election.
- 13 8. Local option taxes authorized to be imposed as
14 provided in this chapter are a local sales and

15 services tax, a local cigarette and tobacco tax, and a
16 local vehicle tax. The rate of the tax shall be in
17 increments of one dollar per vehicle for a vehicle tax
18 as set on the petition seeking to impose the vehicle
19 tax. The rate of a local sales and services tax shall
20 not be more than one percent as set by the governing
21 body. The rate of the local cigarette and tobacco tax
22 shall not be more than ten percent as set by the
23 governing body.

24 9. In a county that has imposed a local option
25 sales and services tax or a local option cigarette and
26 tobacco tax, the board of supervisors shall,
27 notwithstanding any contrary provision of this
28 chapter, repeal the local option sales and services
29 tax in the unincorporated areas or in an incorporated
30 city area in which the tax has been imposed upon
31 adoption of its own motion for repeal in the
32 unincorporated areas or upon receipt of a motion
33 adopted by the governing body of that incorporated
34 city area requesting repeal. The board of supervisors
35 shall repeal the local option sales and services tax
36 effective at the end of the calendar quarter during
37 which it adopted the repeal motion or the motion for
38 the repeal was received. For purposes of this
39 subsection, incorporated city area includes an
40 incorporated city which is contiguous to another
41 incorporated city.

42 Sec. __. NEW SECTION. 422B.5 LOCAL CIGARETTE
43 AND TOBACCO TAX.

44 A local cigarette and tobacco tax at the rate of
45 not more than ten percent may be imposed by a county
46 on the gross receipts from sales of cigarettes and
47 tobacco products sold at retail by a retailer as
48 defined under chapter 422, division IV. A local
49 cigarette and tobacco tax shall be imposed only if the
50 retailer is required under section 422.53 to have a

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1 state tax permit to collect the state sales and
2 services tax. A local cigarette and tobacco tax is
3 applicable to transactions within those incorporated
4 and unincorporated areas of the county where it is
5 imposed and shall be collected by all persons required
6 to collect state gross receipts taxes. All cities
7 contiguous to each other shall be treated as part of
8 one incorporated area and the tax would be imposed in
9 each of those contiguous cities only if the majority
10 of those voting in the total area covered by the
11 contiguous cities favor its imposition.
12 The amount of the sale, for purposes of determining
13 the amount of the local cigarette and tobacco tax,
14 does not include the amount of any state gross

15 receipts taxes but does include the amount of any tax
16 imposed under chapter 453A.

17 A tax permit other than the state tax permit
18 required under section 422.53 shall not be required by
19 local authorities.

20 Sec. ____ NEW SECTION. 422B.6 ADMINISTRATION.

21 A local cigarette and tobacco tax shall be imposed
22 either January 1, April 1, July 1 or October 1
23 following the notification of the director of revenue
24 and finance.

25 A local cigarette and tobacco tax shall be repealed
26 only on March 31, June 30, September 30, or December
27 31. However, a local cigarette and tobacco tax shall
28 not be repealed before the tax has been in effect for
29 one year. At least forty days before the imposition
30 or repeal of the tax, a county shall provide notice of
31 the action by certified mail to the director of
32 revenue and finance.

33 The director of revenue and finance shall
34 administer a local cigarette and tobacco tax as nearly
35 as possible in conjunction with the administration of
36 state gross receipts tax laws. The director shall
37 provide appropriate forms or provide on the regular
38 state tax forms for reporting local cigarette and
39 tobacco tax liability.

40 The ordinance of a county board of supervisors
41 imposing a local cigarette and tobacco tax shall adopt
42 by reference the applicable provisions of the
43 appropriate sections of chapter 422, division IV. All
44 powers and requirements of the director to administer
45 the state gross receipts tax law are applicable to the
46 administration of a local sales and services tax law,
47 including but not limited to, the provisions of
48 sections 422.25, subsection 4, 422.30, 422.48 to
49 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69,
50 subsection 1, and 422.70 to 422.75. Local officials

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1 shall confer with the director of revenue and finance
2 for assistance in drafting the ordinance imposing a
3 local cigarette and tobacco tax. A certified copy of
4 the ordinance shall be filed with the director as soon
5 as possible after passage.

6 The director, in consultation with local officials,
7 shall collect and account for a local cigarette and
8 tobacco tax. The director shall certify each quarter
9 the amount of local cigarette and tobacco tax receipts
10 and any interest and penalties to be credited to the
11 "local cigarette and tobacco tax fund" established in
12 the office of the treasurer of state.

13 All local tax moneys and interest and penalties
14 received or refunded one hundred eighty days or more

15 after the date on which the county repeals its local
16 cigarette and tobacco tax shall be deposited in or
17 withdrawn from the state general fund.

18 Sec. ____ NEW SECTION. 422B.7 PAYMENT TO LOCAL
19 GOVERNMENTS.

20 1. The director shall credit the local cigarette
21 and tobacco tax receipts and interest and penalties
22 from the tax imposed in the unincorporated area of a
23 county to the county's account in the local cigarette
24 and tobacco tax fund and from the tax imposed in the
25 unincorporated area of a city to the city's account in
26 the local cigarette and tobacco tax fund. If the
27 director is unable to determine from which county any
28 of the receipts were collected, those receipts shall
29 be allocated among the possible counties based on
30 allocation rules adopted by the director.

31 2. a. The director of revenue and finance within
32 fifteen days of the beginning of each fiscal year
33 shall send to each city or county where the local
34 option tax is imposed, an estimate of the amount of
35 tax moneys each city or county will receive for the
36 year and for each quarter of the year. At the end of
37 each quarter, the director may revise the estimates
38 for the year and remaining quarters.

39 b. The director of revenue and finance shall remit
40 ninety percent of the estimate tax receipts for the
41 city or county to the city or county after the end of
42 each quarter no later than the following dates:
43 November 10, February 10, May 10, and August 10.

44 c. The director of revenue and finance shall remit
45 a final payment of the remainder of tax moneys due the
46 city or county for the fiscal year before the due date
47 for the payment of the first quarter of the next
48 fiscal year. If an overpayment has resulted during
49 the previous fiscal year, the first payment of the new
50 fiscal year shall be adjusted to reflect any

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1 overpayment.

2 3. Local cigarette and tobacco tax moneys received
3 by a city or county shall be expended by the city or
4 county for the purpose of educating minors on the
5 addictiveness and harmful effects of cigarettes and
6 tobacco products and enforcing federal, state, and
7 local cigarette and tobacco laws.

8 Sec. ____ Section 422B.8, unnumbered paragraph 1,
9 Code Supplement 1995, is amended to read as follows:

10 A local sales and services tax at the rate of not
11 more than one percent may be imposed by a county on
12 the gross receipts taxed by the state under chapter
13 422, division IV. A local sales and services tax
14 shall be imposed on the same basis as the state sales

15 and services tax and may not be imposed on the sale of
16 any property or on any service not taxed by the state,
17 except the tax shall not be imposed on the gross
18 receipts from the sale of motor fuel or special fuel
19 as defined in chapter 452A, on the gross receipts from
20 the sale of cigarettes and tobacco products as defined
21 in chapter 453A, on the gross receipts from the rental
22 of rooms, apartments, or sleeping quarters which are
23 taxed under chapter 422A during the period the hotel
24 and motel tax is imposed, on the gross receipts from
25 the sale of natural gas or electric energy in a city
26 or county where the gross receipts are subject to a
27 franchise fee or user fee during the period the
28 franchise or user fee is imposed, on the gross
29 receipts from the sale of equipment by the state
30 department of transportation, and on the gross
31 receipts from the sale of a lottery ticket or share in
32 a lottery game conducted pursuant to chapter 99E. A
33 local sales and services tax is applicable to
34 transactions within those incorporated and
35 unincorporated areas of the county where it is imposed
36 and shall be collected by all persons required to
37 collect state gross receipts taxes. All cities
38 contiguous to each other shall be treated as part of
39 one incorporated area and the tax would be imposed in
40 each of those contiguous cities only if the majority
41 of those voting in the total area covered by the
42 contiguous cities favor its imposition.
43 Sec. ____ Section 453A.2, Code 1995, is amended by
44 adding the following new subsection:
45 NEW SUBSECTION. 5. A violation of subsection 1 is
46 a violation of section 714.16, subsection 2, paragraph
47 "a".
48 Sec. ____ Section 453A.3, unnumbered paragraph 1,
49 Code 1995, is amended to read as follows:
50 A person who violates section 453A.2, subsection 1,

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1 ~~or section 453A.39~~ is guilty of a simple misdemeanor.
2 Sec. ____ Section 453A.22, subsection 2,
3 unnumbered paragraph 1, Code 1995, is amended to read
4 as follows:
5 If a retailer or employee of a retailer has
6 violated section 453A.2, ~~or 453A.36~~, subsection 6, ~~or~~
7 ~~453A.39 8, or 9~~, the department or local authority, in
8 addition to the other penalties fixed for such
9 violations in this section, shall assess a penalty
10 upon the same hearing and notice as prescribed in
11 subsection 1 as follows:
12 Sec. ____ Section 453A.36, subsection 6, Code
13 1995, is amended to read as follows:
14 6. Any sales of cigarettes or tobacco products

15 made through a cigarette vending machine are subject
16 to rules and penalties relative to retail sales of
17 cigarettes and tobacco products provided for in this
18 chapter. No cigarettes shall be sold through any
19 cigarette vending machine unless the cigarettes have
20 been properly stamped or metered as provided by this
21 division, and in case of violation of this provision,
22 the permit of the dealer authorizing retail sales of
23 cigarettes shall be canceled. Payment of the license
24 fee as provided in section 453A.13 authorizes a
25 cigarette vendor to sell cigarettes or tobacco
26 products through vending machines, ~~provided that the~~
27 ~~following conditions are met: the machines are~~
28 ~~located in places where the machines are under the~~
29 ~~supervision of a person of legal age who is~~
30 ~~responsible for prevention of purchase by minors from~~
31 ~~the machines; the machines are equipped with a lock-~~
32 ~~out device under the control of a person of legal age~~
33 ~~who shall directly regulate the sale of items through~~
34 ~~the machines, and which shall include a mechanism to~~
35 ~~prevent the machines from functioning if the power~~
36 ~~source for the lock-out device fails or if the lock-~~
37 ~~out device is disabled, and a mechanism to ensure that~~
38 ~~only one pack of cigarettes or one tobacco product is~~
39 ~~dispensed at a time; and the location where the~~
40 ~~machines are placed is covered by a local retail~~
41 ~~permit. However, a lock-out device is not required~~
42 ~~for machines operated in the following locations, if~~
43 ~~the machines are not to be placed in a doorway or~~
44 ~~other area readily accessible to minors: a commercial~~
45 ~~establishment holding a class "C" liquor license or a~~
46 ~~class "B" beer permit under chapter 123, if the~~
47 ~~establishment is not also licensed as a food service~~
48 ~~establishment under chapter 137B; a private facility~~
49 ~~not open to the public; or a workplace not open to the~~
50 ~~public. Cigarettes or tobacco products shall not be~~

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1 sold through a vending machine unless the vending
2 machine is located in a bar and unless the vending
3 machine is placed behind the counter from which
4 alcoholic beverages are served or in another location
5 in the bar which is not accessible to the public. For
6 the purposes of this subsection, "bar" means bar as
7 defined in section 142B.1. This section does not
8 require a retail licensee to buy a cigarette vendor's
9 permit if the retail licensee is in fact the owner of
10 the cigarette vending machines and the machines are
11 operated in the location described in the retail
12 permit.

13 Sec. ____ Section 453A.36, Code 1995, is amended
14 by adding the following new subsections:

15 NEW SUBSECTION. 8. A manufacturer, distributor,
 16 wholesaler, retailer, distributing agent, or agent
 17 thereof shall not give away cigarettes or tobacco
 18 products at any time in connection with the
 19 manufacturer's, distributor's, wholesaler's,
 20 retailer's, or distributing agent's business or for
 21 promotion of the business or product. A manufacturer,
 22 distributor, wholesaler, retailer, distributing agent,
 23 or agent thereof who violates this subsection is
 24 guilty of a serious misdemeanor.

25 NEW SUBSECTION. 9. It is unlawful for any
 26 manufacturer, distributor, wholesaler, retailer,
 27 distributing agent, or agent thereof to advertise on
 28 any advertising device cigarettes or other tobacco
 29 products within one thousand feet of any playground,
 30 school, high school, or other facility when such
 31 facility is being used primarily by persons under age
 32 eighteen for recreational, educational, or other
 33 purposes. A manufacturer, distributor, wholesaler,
 34 retailer, distributing agent, or agent thereof who
 35 violates this subsection is guilty of a serious
 36 misdemeanor.

37 Sec. ____ Section 453A.56, Code 1995, is amended
 38 to read as follows:

39 453A.56 UNIFORM APPLICATION.

40 Enforcement of this chapter shall be implemented in
 41 an equitable manner throughout the state. For the
 42 purpose of equitable and uniform implementation,
 43 application, and enforcement of state and local laws
 44 and regulations, the provisions of this chapter shall
 45 supersede any local law or regulation which is
 46 inconsistent with or conflicts with the provisions of
 47 this chapter, unless the local law or regulation is
 48 more restrictive in application in which case the more
 49 restrictive portion of the local law or regulation
 50 shall supersede any inconsistent or conflicting

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1 provision of this chapter. This section and any other
 2 provision in this chapter shall not prohibit the
 3 imposition of a local option cigarette and tobacco tax
 4 under chapter 422B."

5 ____ Page 3, by inserting after line 21 the
 6 following:

7 "Sec. ____ Section 453A.39, Code 1995, is
 8 repealed.

9 Sec. ____ Section 101 of this Act, relating to the
 10 recovery of medical assistance expenditures due to
 11 smoking, being deemed of immediate importance, takes
 12 effect upon enactment.

13 Sec. ____ RETROACTIVE APPLICABILITY. The state
 14 may recover, pursuant to section 249A.30, in addition

15 to any subsequent damages, any applicable damages
 16 incurred within the two years preceding the date of
 17 enactment of section 249A.30 of this Act."

18 __. Title page, by striking line 6 and inserting
 19 the following: "substances; providing funding for
 20 enforcement and education purposes relating to
 21 cigarettes and tobacco products by allowing a local
 22 option cigarette and tobacco tax; providing penalties,
 23 establishing civil penalties, making penalties
 24 applicable, providing effective dates, and providing a
 25 repeal."

26 2. By renumbering as necessary.

BRAMMER of Linn

H-5502

1 Amend the amendment, H-5280, to House File 2454, as
 2 follows:

3 1. Page 1, by inserting after line 1 the
 4 following:

5 " __. Page 2, by inserting after line 24 the
 6 following:

7 "Sec. __. Section 142B.6, Code 1995, is amended
 8 to read as follows:

9 **142B.6 CIVIL PENALTY FOR VIOLATION - UNIFORM**
 10 **APPLICATION ENFORCEMENT.**

11 A person who smokes in those areas prohibited in
 12 section 142B.2, or who violates section 142B.4, shall
 13 pay a civil fine pursuant to section 805.8, subsection
 14 11, for each violation.

15 Judicial magistrates shall hear and determine
 16 violations of this chapter. The civil penalties paid
 17 pursuant to this chapter shall be deposited in the
 18 county treasury.

19 ~~Enforcement of this chapter shall be implemented in~~
 20 ~~an equitable manner throughout the state. For the~~
 21 ~~purpose of equitable and uniform implementation,~~
 22 ~~application, and enforcement of state and local laws~~
 23 ~~and regulations, the provisions of this chapter shall~~
 24 ~~supersede any local law or regulation which is~~
 25 ~~inconsistent with or conflicts with the provisions of~~
 26 ~~this chapter. The Iowa department of public health~~
 27 ~~shall adopt rules to enforce this chapter.~~

28 Sec. 101. **NEW SECTION. 249A.30 RECOVERY OF**
 29 **MEDICAL ASSISTANCE EXPENDITURE - CIGARETTE AND**
 30 **TOBACCO PRODUCTS - RELATED MEDICAL EXPENSES BY**
 31 **RESIDENT RECIPIENTS.**

32 1. Notwithstanding chapter 668, the attorney
 33 general may institute a civil action on behalf of the
 34 state against any manufacturer of cigarettes or other
 35 tobacco products to recover the full amount of medical
 36 assistance provided by the state to a resident of the
 37 state for the payment of medical services which are

38 reasonably attributable to the use of cigarettes or
39 tobacco products and all reasonable expenses
40 associated with instituting the action.

41 2. In determining liability in an action under
42 this section, all of the following shall apply:

43 a. Any manufacturer of cigarettes or other tobacco
44 products shall be strictly liable for the medical
45 expenses reasonably attributable to the use of the
46 manufacturer's product, without regard to any
47 negligence, intent, warnings, or other conduct or
48 knowledge on the part of the manufacturer.

49 b. The state may recover medical expenses, without
50 regard to the defenses of assumption of the risk,

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1 contributory or comparative negligence, or other
2 defenses which might be asserted.

3 c. Any action instituted by the attorney general
4 is independent of any rights or causes of action of
5 any individual.

6 3. In determining the extent of the liability of
7 any manufacturer under this section, the court shall
8 apply the following evidentiary presumptions:

9 a. The ratio of the expenses attributable to the
10 use of cigarettes or tobacco products produced by any
11 manufacturer to the expenses of all manufacturers is
12 presumed to be equivalent to the ratio of the sales by
13 the manufacturer within the state during the most
14 recent year for which data are available to the sales
15 of all manufacturers for that year.

16 b. The medical expenses for individuals
17 attributable to the use of cigarettes or tobacco
18 products shall be based on reliable estimates for the
19 class of persons affected, rather than proof of the
20 cause of expenses in the case of any particular
21 individual.

22 c. Estimates of medical expenses shall be based on
23 epidemiological, scientific, survey, and other data,
24 determined by the director of public health to be
25 reliable and reasonably available. The Iowa
26 department of public health shall adopt rules to
27 specify the methodology for making the estimates in
28 any action under this section.

29 d. A defendant shall have the opportunity to rebut
30 any presumption by clear and convincing evidence,
31 provided that the court shall take reasonable steps to
32 ensure that determination of damages is concluded in a
33 timely and expeditious manner and that no party to the
34 action is permitted to unduly delay the conclusion of
35 the action.

36 4. For the purposes of this section, "cigarette"
37 and "tobacco products" mean cigarette and tobacco

38 products as defined in section 453A.1.”

39 2. Page 1, by inserting after line 3 the
40 following:

41 “Sec. ____ Section 422B.1, subsections 3, 4, 5,
42 6, 8, and 9, Code Supplement 1995, are amended to read
43 as follows:

44 3. A local option tax shall be imposed only after
45 an election at which a majority of those voting on the
46 question favors imposition and shall then be imposed
47 until repealed as provided in subsection 6, paragraph
48 “a”. If the tax is a local vehicle tax imposed by a
49 county, it shall apply to all incorporated and
50 unincorporated areas of the county. If the tax is a

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1 local sales and services tax or a local cigarette and
2 tobacco tax imposed by a county, it shall only apply
3 to those incorporated areas and the unincorporated
4 area of that county in which a majority of those
5 voting in the area on the tax favors its imposition.
6 For purposes of the local sales and services tax or a
7 local cigarette and tobacco tax, all cities contiguous
8 to each other shall be treated as part of one
9 incorporated area and the tax would be imposed in each
10 of those contiguous cities only if the majority of
11 those voting in the total area covered by the
12 contiguous cities favors its imposition. For purposes
13 of the local sales and services tax or a local
14 cigarette and tobacco tax, a city is not contiguous to
15 another city if the only road access between the two
16 cities is through another state.

17 4. a. A county board of supervisors shall direct
18 within thirty days the county commissioner of
19 elections to submit the question of imposition of a
20 local vehicle tax, ~~or~~ a local sales and services tax,
21 or a local cigarette and tobacco tax to the registered
22 voters of the incorporated and unincorporated areas of
23 the county upon receipt of a petition, requesting
24 imposition of a local vehicle tax, ~~or~~ a local sales
25 and services tax, or a local cigarette and tobacco
26 tax, signed by eligible electors of the whole county
27 equal in number to five percent of the persons in the
28 whole county who voted at the last preceding state
29 general election. In the case of a local vehicle tax,
30 the petition requesting imposition shall specify the
31 rate of tax and the classes, if any, that are to be
32 exempt. If more than one valid petition is received,
33 the earliest received petition shall be used.

34 b. The question of the imposition of a local sales
35 and services tax or a local cigarette and tobacco tax
36 shall be submitted to the registered voters of the
37 incorporated and unincorporated areas of the county

38 upon receipt by the county commissioner of elections
39 of the motion or motions, requesting such submission,
40 adopted by the governing body or bodies of the city or
41 cities located within the county or of the county, for
42 the unincorporated areas of the county, representing
43 at least one half of the population of the county.
44 Upon adoption of such motion, the governing body of
45 the city or county, for the unincorporated areas,
46 shall submit the motion to the county commissioner of
47 elections and in the case of the governing body of the
48 city shall notify the board of supervisors of the
49 adoption of the motion. The county commissioner of
50 elections shall keep a file on all the motions

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1 received and, upon reaching the population
2 requirements, shall publish notice of the ballot
3 proposition concerning the imposition of the local
4 sales and services tax or a local cigarette and
5 tobacco tax. A motion ceases to be valid at the time
6 of the holding of the regular election for the
7 election of members of the governing body which
8 adopted the motion. The county commissioner of
9 elections shall eliminate from the file any motion
10 that ceases to be valid. The manner provided under
11 this paragraph for the submission of the question of
12 imposition of a local sales and services tax or a
13 local cigarette and tobacco tax is an alternative to
14 the manner provided in paragraph "a".

15 5. The county commissioner of elections shall
16 submit the question of imposition of a local option
17 tax at a state general election or at a special
18 election held at any time other than the time of a
19 city regular election. The election shall not be held
20 sooner than sixty days after publication of notice of
21 the ballot proposition. The ballot proposition shall
22 specify the type and rate of tax and in the case of a
23 vehicle tax the classes that will be exempt and in the
24 case of a local sales and services tax or a local
25 cigarette and tobacco tax the date it will be imposed.
26 The ballot proposition shall also specify the
27 approximate amount of local option tax revenues that
28 will be used for property tax relief and shall contain
29 a statement as to the specific purpose or purposes for
30 which the revenues shall otherwise be expended. If
31 the county board of supervisors decides under
32 subsection 6 to specify a date on which the local
33 option sales and services tax or a local cigarette and
34 tobacco tax shall automatically be repealed, the date
35 of the repeal shall also be specified on the ballot.
36 The rate of the vehicle tax shall be in increments of
37 one dollar per vehicle as set by the petition seeking

38 to impose the tax. The rate of a local sales and
39 services tax shall not be more than one percent as set
40 by the governing body. The rate of the cigarette and
41 tobacco tax shall not be more than ten percent as set
42 by the governing body. The state commissioner of
43 elections shall establish by rule the form for the
44 ballot proposition which form shall be uniform
45 throughout the state.

46 6. a. If a majority of those voting on the
47 question of imposition of a local option tax favor
48 imposition of a local option tax, the governing body
49 of that county shall impose the tax at the rate
50 specified for an unlimited period. However, in the

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1 case of a local sales and services tax or a local
2 cigarette and tobacco tax, the county shall not impose
3 the tax in any incorporated area or the unincorporated
4 area if the majority of those voting on the tax in
5 that area did not favor its imposition. For purposes
6 of the local sales and services tax or a local
7 cigarette and tobacco tax, all cities contiguous to
8 each other shall be treated as part of one
9 incorporated area and the tax shall be imposed in each
10 of those contiguous cities only if the majority of
11 those voting on the tax in the total area covered by
12 the contiguous cities favored its imposition. The
13 local option tax may be repealed or the rate increased
14 or decreased or the use thereof changed after an
15 election at which a majority of those voting on the
16 question of repeal or rate or use change favored the
17 repeal or rate or use change. The election at which
18 the question of repeal or rate or use change is
19 offered shall be called and held in the same manner
20 and under the same conditions as provided in
21 subsections 4 and 5 for the election on the imposition
22 of the local option tax. However, in the case of a
23 local sales and services tax or a local cigarette and
24 tobacco tax where the tax has not been imposed
25 countywide, the question of repeal or imposition or
26 rate or use change shall be voted on only by the
27 registered voters of the areas of the county where the
28 tax has been imposed or has not been imposed, as
29 appropriate. However, the governing body of the
30 incorporated area or unincorporated area where the
31 local sales and services tax or a local cigarette and
32 tobacco tax is imposed may, upon its own motion,
33 request the county commissioner of elections to hold
34 an election in the incorporated or unincorporated
35 area, as appropriate, on the question of the change in
36 use of local sales and services tax revenues. The
37 election may be held at any time but not sooner than

38 sixty days following publication of the ballot
39 proposition. If a majority of those voting in the
40 incorporated or unincorporated area on the change in
41 use favor the change, the governing body of that area
42 shall change the use to which the revenues shall be
43 used. The ballot proposition shall list the present
44 use of the revenues, the proposed use, and the date
45 after which revenues received will be used for the new
46 use.
47 When submitting the question of the imposition of a
48 local sales and services tax or a local cigarette and
49 tobacco tax, the county board of supervisors may
50 direct that the question contain a provision for the

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1 repeal, without election, of the local sales and
2 services tax or a local cigarette and tobacco tax on a
3 specific date, which date shall be the end of a
4 calendar quarter.
5 b. Within ten days of the election at which a
6 majority of those voting on the question favors the
7 imposition, repeal, or change in the rate of a local
8 option tax, the governing body shall give written
9 notice to the director of revenue and finance or, in
10 the case of a local vehicle tax, to the director of
11 the department of transportation, of the result of the
12 election.
13 8. Local option taxes authorized to be imposed as
14 provided in this chapter are a local sales and
15 services tax, a local cigarette and tobacco tax, and a
16 local vehicle tax. The rate of the tax shall be in
17 increments of one dollar per vehicle for a vehicle tax
18 as set on the petition seeking to impose the vehicle
19 tax. The rate of a local sales and services tax shall
20 not be more than one percent as set by the governing
21 body. The rate of the local cigarette and tobacco tax
22 shall not be more than ten percent as set by the
23 governing body.
24 9. In a county that has imposed a local option
25 sales and services tax or a local option cigarette and
26 tobacco tax, the board of supervisors shall,
27 notwithstanding any contrary provision of this
28 chapter, repeal the local option ~~sales and services~~
29 tax in the unincorporated areas or in an incorporated
30 city area in which the tax has been imposed upon
31 adoption of its own motion for repeal in the
32 unincorporated areas or upon receipt of a motion
33 adopted by the governing body of that incorporated
34 city area requesting repeal. The board of supervisors
35 shall repeal the local option ~~sales and services tax~~
36 effective at the end of the calendar quarter during
37 which it adopted the repeal motion or the motion for

38 the repeal was received. For purposes of this
 39 subsection, incorporated city area includes an
 40 incorporated city which is contiguous to another
 41 incorporated city.

42 Sec. ____ NEW SECTION. 422B.5 LOCAL CIGARETTE
 43 AND TOBACCO TAX.

44 A local cigarette and tobacco tax at the rate of
 45 not more than ten percent may be imposed by a county
 46 on the gross receipts from sales of cigarettes and
 47 tobacco products sold at retail by a retailer as
 48 defined under chapter 422, division IV. A local
 49 cigarette and tobacco tax shall be imposed only if the
 50 retailer is required under section 422.53 to have a

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1 state tax permit to collect the state sales and
 2 services tax. A local cigarette and tobacco tax is
 3 applicable to transactions within those incorporated
 4 and unincorporated areas of the county where it is
 5 imposed and shall be collected by all persons required
 6 to collect state gross receipts taxes. All cities
 7 contiguous to each other shall be treated as part of
 8 one incorporated area and the tax would be imposed in
 9 each of those contiguous cities only if the majority
 10 of those voting in the total area covered by the
 11 contiguous cities favor its imposition.

12 The amount of the sale, for purposes of determining
 13 the amount of the local cigarette and tobacco tax,
 14 does not include the amount of any state gross
 15 receipts taxes but does include the amount of any tax
 16 imposed under chapter 453A.

17 A tax permit other than the state tax permit
 18 required under section 422.53 shall not be required by
 19 local authorities.

20 Sec. ____ NEW SECTION. 422B.6 ADMINISTRATION.

21 A local cigarette and tobacco tax shall be imposed
 22 either January 1, April 1, July 1 or October 1
 23 following the notification of the director of revenue
 24 and finance.

25 A local cigarette and tobacco tax shall be repealed
 26 only on March 31, June 30, September 30, or December
 27 31. However, a local cigarette and tobacco tax shall
 28 not be repealed before the tax has been in effect for
 29 one year. At least forty days before the imposition
 30 or repeal of the tax, a county shall provide notice of
 31 the action by certified mail to the director of
 32 revenue and finance.

33 The director of revenue and finance shall
 34 administer a local cigarette and tobacco tax as nearly
 35 as possible in conjunction with the administration of
 36 state gross receipts tax laws. The director shall
 37 provide appropriate forms or provide on the regular

38 state tax forms for reporting local cigarette and
39 tobacco tax liability.
40 The ordinance of a county board of supervisors
41 imposing a local cigarette and tobacco tax shall adopt
42 by reference the applicable provisions of the
43 appropriate sections of chapter 422, division IV. All
44 powers and requirements of the director to administer
45 the state gross receipts tax law are applicable to the
46 administration of a local sales and services tax law,
47 including but not limited to, the provisions of
48 sections 422.25, subsection 4, 422.30, 422.48 to
49 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69,
50 subsection 1, and 422.70 to 422.75. Local officials

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1 shall confer with the director of revenue and finance
2 for assistance in drafting the ordinance imposing a
3 local cigarette and tobacco tax. A certified copy of
4 the ordinance shall be filed with the director as soon
5 as possible after passage.

6 The director, in consultation with local officials,
7 shall collect and account for a local cigarette and
8 tobacco tax. The director shall certify each quarter
9 the amount of local cigarette and tobacco tax receipts
10 and any interest and penalties to be credited to the
11 "local cigarette and tobacco tax fund" established in
12 the office of the treasurer of state.

13 All local tax moneys and interest and penalties
14 received or refunded one hundred eighty days or more
15 after the date on which the county repeals its local
16 cigarette and tobacco tax shall be deposited in or
17 withdrawn from the state general fund.

18 Sec. . NEW SECTION. 422B.7 PAYMENT TO LOCAL
19 GOVERNMENTS.

20 1. The director shall credit the local cigarette
21 and tobacco tax receipts and interest and penalties
22 from the tax imposed in the unincorporated area of a
23 county to the county's account in the local cigarette
24 and tobacco tax fund and from the tax imposed in the
25 unincorporated area of a city to the city's account in
26 the local cigarette and tobacco tax fund. If the
27 director is unable to determine from which county any
28 of the receipts were collected, those receipts shall
29 be allocated among the possible counties based on
30 allocation rules adopted by the director.

31 2. a. The director of revenue and finance within
32 fifteen days of the beginning of each fiscal year
33 shall send to each city or county where the local
34 option tax is imposed, an estimate of the amount of
35 tax moneys each city or county will receive for the
36 year and for each quarter of the year. At the end of
37 each quarter, the director may revise the estimates

38 for the year and remaining quarters.

39 b. The director of revenue and finance shall remit
40 ninety percent of the estimate tax receipts for the
41 city or county to the city or county after the end of
42 each quarter no later than the following dates:
43 November 10, February 10, May 10, and August 10.

44 c. The director of revenue and finance shall remit
45 a final payment of the remainder of tax moneys due the
46 city or county for the fiscal year before the due date
47 for the payment of the first quarter of the next
48 fiscal year. If an overpayment has resulted during
49 the previous fiscal year, the first payment of the new
50 fiscal year shall be adjusted to reflect any

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1 overpayment.

2 3. Local cigarette and tobacco tax moneys received
3 by a city or county shall be expended by the city or
4 county for the purpose of educating minors on the
5 addictiveness and harmful effects of cigarettes and
6 tobacco products and enforcing federal, state, and
7 local cigarette and tobacco laws.

8 Sec. ____ Section 422B.8, unnumbered paragraph 1,
9 Code Supplement 1995, is amended to read as follows:

10 A local sales and services tax at the rate of not
11 more than one percent may be imposed by a county on
12 the gross receipts taxed by the state under chapter
13 422, division IV. A local sales and services tax
14 shall be imposed on the same basis as the state sales
15 and services tax and may not be imposed on the sale of
16 any property or on any service not taxed by the state,
17 except the tax shall not be imposed on the gross
18 receipts from the sale of motor fuel or special fuel
19 as defined in chapter 452A, on the gross receipts from
20 the sale of cigarettes and tobacco products as defined
21 in chapter 453A, on the gross receipts from the rental
22 of rooms, apartments, or sleeping quarters which are
23 taxed under chapter 422A during the period the hotel
24 and motel tax is imposed, on the gross receipts from
25 the sale of natural gas or electric energy in a city
26 or county where the gross receipts are subject to a
27 franchise fee or user fee during the period the
28 franchise or user fee is imposed, on the gross
29 receipts from the sale of equipment by the state
30 department of transportation, and on the gross
31 receipts from the sale of a lottery ticket or share in
32 a lottery game conducted pursuant to chapter 99E. A
33 local sales and services tax is applicable to
34 transactions within those incorporated and
35 unincorporated areas of the county where it is imposed
36 and shall be collected by all persons required to
37 collect state gross receipts taxes. All cities

38 contiguous to each other shall be treated as part of
 39 one incorporated area and the tax would be imposed in
 40 each of those contiguous cities only if the majority
 41 of those voting in the total area covered by the
 42 contiguous cities favor its imposition.

43 Sec. ____ Section 453A.2, Code 1995, is amended by
 44 adding the following new subsection:

45 NEW SUBSECTION. 5. A violation of subsection 1 is
 46 a violation of section 714.16, subsection 2, paragraph
 47 "a".

48 Sec. ____ Section 453A.3, unnumbered paragraph 1,
 49 Code 1995, is amended to read as follows:

50 A person who violates section 453A.2, subsection 1,

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1 ~~or section 453A.39~~ is guilty of a simple misdemeanor.

2 Sec. ____ Section 453A.22, subsection 2,
 3 unnumbered paragraph 1, Code 1995, is amended to read
 4 as follows:

5 If a retailer or employee of a retailer has
 6 violated section 453A.2, ~~or 453A.36~~, subsection 6, ~~or~~
 7 ~~453A.39 8, or 9~~, the department or local authority, in
 8 addition to the other penalties fixed for such
 9 violations in this section, shall assess a penalty
 10 upon the same hearing and notice as prescribed in
 11 subsection 1 as follows:

12 Sec. ____ Section 453A.36, subsection 6, Code
 13 1995, is amended to read as follows:

14 6. Any sales of cigarettes or tobacco products
 15 made through a cigarette vending machine are subject
 16 to rules and penalties relative to retail sales of
 17 cigarettes and tobacco products provided for in this
 18 chapter. No cigarettes shall be sold through any
 19 cigarette vending machine unless the cigarettes have
 20 been properly stamped or metered as provided by this
 21 division, and in case of violation of this provision,
 22 the permit of the dealer authorizing retail sales of
 23 cigarettes shall be canceled. Payment of the license
 24 fee as provided in section 453A.13 authorizes a
 25 cigarette vendor to sell cigarettes or tobacco
 26 products through vending machines, ~~provided that the~~
 27 ~~following conditions are met: the machines are~~
 28 ~~located in places where the machines are under the~~
 29 ~~supervision of a person of legal age who is~~
 30 ~~responsible for prevention of purchase by minors from~~
 31 ~~the machines; the machines are equipped with a lock-~~
 32 ~~out device under the control of a person of legal age~~
 33 ~~who shall directly regulate the sale of items through~~
 34 ~~the machines, and which shall include a mechanism to~~
 35 ~~prevent the machines from functioning if the power~~
 36 ~~source for the lock-out device fails or if the lock-~~
 37 ~~out device is disabled, and a mechanism to ensure that~~

38 ~~only one pack of cigarettes or one tobacco product is~~
 39 ~~dispensed at a time; and the location where the~~
 40 ~~machines are placed is covered by a local retail~~
 41 ~~permit. However, a lock-out device is not required~~
 42 ~~for machines operated in the following locations, if~~
 43 ~~the machines are not to be placed in a doorway or~~
 44 ~~other area readily accessible to minors:—a commercial~~
 45 ~~establishment holding a class “C” liquor license or a~~
 46 ~~class “B” beer permit under chapter 123, if the~~
 47 ~~establishment is not also licensed as a food service~~
 48 ~~establishment under chapter 137B; a private facility~~
 49 ~~not open to the public; or a workplace not open to the~~
 50 ~~public. Cigarettes or tobacco products shall not be~~

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1 sold through a vending machine unless the vending
 2 machine is located in a bar and unless the vending
 3 machine is placed behind the counter from which
 4 alcoholic beverages are served or in another location
 5 in the bar which is not accessible to the public. For
 6 the purposes of this subsection, “bar” means bar as
 7 defined in section 142B.1. This section does not
 8 require a retail licensee to buy a cigarette vendor’s
 9 permit if the retail licensee is in fact the owner of
 10 the cigarette vending machines and the machines are
 11 operated in the location described in the retail
 12 permit.”

13 3. Page 1, line 11, by striking the word
 14 “subsection” and inserting the following:
 15 “subsections”.

16 4. Page 1, by inserting after line 11 the
 17 following:

18 **“NEW SUBSECTION. 8. It is unlawful for any**
 19 **manufacturer, distributor, wholesaler, retailer,**
 20 **distributing agent, or agent thereof to advertise on**
 21 **any advertising device cigarettes or other tobacco**
 22 **products within one thousand feet of any playground,**
 23 **school, high school, or other facility when such**
 24 **facility is being used primarily by persons under age**
 25 **eighteen for recreational, educational, or other**
 26 **purposes. A manufacturer, distributor, wholesaler,**
 27 **retailer, distributing agent, or agent thereof who**
 28 **violates this subsection is guilty of a serious**
 29 **misdemeanor.”**

30 5. Page 1, by inserting after line 18 the
 31 following:

32 “Sec. ____ Section 453A.56, Code 1995, is amended
 33 to read as follows:

34 453A.56 UNIFORM APPLICATION.

35 Enforcement of this chapter shall be implemented in
 36 an equitable manner throughout the state. For the
 37 purpose of equitable and uniform implementation,

38 application, and enforcement of state and local laws
 39 and regulations, the provisions of this chapter shall
 40 supersede any local law or regulation which is
 41 inconsistent with or conflicts with the provisions of
 42 this chapter, unless the local law or regulation is
 43 more restrictive in application in which case the more
 44 restrictive portion of the local law or regulation
 45 shall supersede any inconsistent or conflicting
 46 provision of this chapter. This section and any other
 47 provision in this chapter shall not prohibit the
 48 imposition of a local option cigarette and tobacco tax
 49 under chapter 422B.
 50 __. Page 3, by inserting after line 21 the

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1 following:
 2 "Sec. __. Section 453A.39, Code 1995, is
 3 repealed.
 4 Sec. __. Section 101 of this Act, relating to the
 5 recovery of medical assistance expenditures due to
 6 smoking, being deemed of immediate importance, takes
 7 effect upon enactment.
 8 Sec. __. RETROACTIVE APPLICABILITY. The state
 9 may recover, pursuant to section 249A.30, in addition
 10 to any subsequent damages, any applicable damages
 11 incurred within the two years preceding the date of
 12 enactment of section 249A.30 of this Act."
 13 __. Title page, by striking line 6 and inserting
 14 the following: "substances; providing funding for
 15 enforcement and education purposes relating to
 16 cigarettes and tobacco products by allowing a local
 17 option cigarette and tobacco tax; providing penalties,
 18 establishing civil penalties, making penalties
 19 applicable, providing an effective date, and providing
 20 a repeal."
 21 6. By renumbering as necessary.

BRAMMER of Linn

H-5503

1 Amend Senate File 2235, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 28 the
 4 following:
 5 "Sec. 4. CONTINGENCY - REPEAL. If the number of
 6 inspectors for nursing facilities, as recommended in
 7 the annual report submitted by the state long-term
 8 care resident's advocate to the general assembly in
 9 January in any year are not employed, this Act is
 10 repealed on June 30 of the year in which the report is
 11 submitted."
 12 2. Title page, by striking line 2 and inserting

- 13 the following: "facilities, providing for a
 14 contingent effective date, and providing for a
 15 contingent repeal."

MURPHY of Dubuque

H-5504

- 1 Amend Senate File 2158, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. NEW SECTION. 280.24 TEXTBOOK
 6 DISCLOSURE.
 7 By September 1 of each school year, the board of
 8 directors of each public school, and the authorities
 9 in charge of each nonpublic school using textbooks
 10 made available from state funds as authorized under
 11 section 301.1, shall provide the parent or guardian of
 12 each child enrolled in the school district or
 13 nonpublic school with a list of the textbooks, as
 14 defined in section 301.1, that the school district or
 15 nonpublic school anticipates it will use to educate
 16 the child during the school year. The school district
 17 or nonpublic school may also annually provide the
 18 parent or guardian with a list of textbooks, as
 19 defined in section 301.1, appropriate for the child's
 20 grade level and recommended by the school district or
 21 nonpublic school to enhance the child's education."
 22 2. By renumbering as necessary.

KREIMAN of Davis

H-5505

- 1 Amend Senate File 2140, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 23 the
 4 following:
 5 "Sec. ____ Section 321.299, Code 1995, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. A vehicle shall not
 8 operate in the farthest lane to the left on a rural
 9 multilaned highway unless the vehicle is overtaking or
 10 passing another vehicle in accordance with this
 11 section or unless the vehicle is not impeding
 12 traffic."
 13 2. Title page, line 1, by inserting after the
 14 word "highways," the following: "delineating passing
 15 violations."
 16 3. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-5506

1 Amend House File 2455 as follows:

2 1. Page 1, by inserting after line 16 the
3 following:

4 "Sec. ____ Section 723A.1, subsection 1, Code
5 Supplement 1995, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. h. Brandishing a dangerous weapon.

8 For purposes of this paragraph:

9 (1) "Brandishing a dangerous weapon" means the
10 display or exhibition of a dangerous weapon, with the
11 intent to intimidate or threaten another person, or
12 the actual use of the dangerous weapon in a manner
13 which is intended to or does cause serious injury or
14 death.

15 (2) "Dangerous weapon" means either of the
16 following:

17 (a) An instrument or device designed primarily for
18 use in inflicting death or injury upon a human being
19 or animal, and that is capable of inflicting death
20 upon a human being when used in the manner for which
21 it was designed.

22 (b) An instrument or device of any sort whatsoever
23 that is actually used in a manner that indicates the
24 defendant intends to inflict death or serious injury
25 upon another person, and that, when so used, is
26 capable of inflicting death or serious injury upon a
27 human being."

28 2. Title page, line 1, by inserting after the
29 word "force" the following: "and the use of deadly
30 force by criminal street gangs".

31 3. By renumbering as necessary.

LAMBERTI of Polk
RANTS of Woodbury
WARNSTADT of Woodbury

H-5509

1 Amend Senate File 2365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by striking lines 3 through 12.

4 2. Page 9, by striking lines 30 and 31.

5 3. Page 10, by striking line 31.

6 4. Title page, line 2, by striking the words
7 "longevity pay,".

8 5. By renumbering as necessary.

Committee on State Government

H-5511

1 Amend Senate File 2022 as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 455B.310A LOCAL FEE
6 AUTHORITY.

7 1. The general assembly recognizes that counties
8 and cities with sanitary landfills within their
9 jurisdiction are subject to a higher degree of
10 environmental and other risks, as well as higher costs
11 related to infrastructure demands and future
12 environmental remediation. Therefore, the general
13 assembly finds it appropriate to provide local
14 governments the authority to impose additional tonnage
15 fees that will mitigate the environmental risks and
16 additional costs local governments incur from a
17 sanitary landfill within their jurisdiction.

18 2. A county may impose an additional tonnage fee
19 not to exceed eleven dollars for each ton or
20 equivalent volume of solid waste received and disposed
21 of at a sanitary landfill located within the county.
22 A city may impose an additional tonnage fee not to
23 exceed three dollars and thirty-three cents for each
24 ton or equivalent volume of solid waste received and
25 disposed of at a sanitary landfill located within the
26 city. Revenue from the additional tonnage fee shall
27 be credited to the general fund of the county or city
28 collecting the additional tonnage fee and shall be
29 used only for landfill abatement purposes, or costs of
30 closure, postclosure care, and response actions, or
31 for purposes of mitigating and compensating for the
32 local risks, costs, and other adverse effects of
33 sanitary landfills. A county or city shall not impose
34 an additional tonnage fee on wastes that are exempt
35 from tonnage fees as provided in section 455B.310,
36 subsections 3 and 7.

37 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
38 immediate importance, takes effect upon enactment."

39 2. By renumbering as necessary.

Committee on Environmental Protection

H-5514

1 Amend Senate File 2419, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 3, line 35, through page 5,
4 line 13.

5 2. Page 6, line 9, by inserting after the word
6 "taking" the following: "two academic courses shall
7 be counted as one-half of one pupil, and those
8 taking".

9 3. Page 6, line 10, by striking the word "three"
10 and inserting the following: "two".

11 4. Page 18, line 29, by striking the words "less

12 than three" and inserting the following: "two or
13 fewer".

14 5. By renumbering as necessary.

Committee on Education

H-5517

1 Amend the amendment, H-5372, to Senate File 2140,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 36 the
5 following:

6 "Sec. ____ Section 321.299, Code 1995, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. A vehicle shall not
9 operate in the farthest lane to the left on a rural
10 multilaned highway unless the vehicle is overtaking or
11 passing another vehicle in accordance with this
12 section or unless the vehicle is not impeding
13 traffic."

14 2. Page 3, line 4, by inserting after the word
15 "highways," the following: "delineating passing
16 violations,".

17 3. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-5524

1 Amend House File 2447 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 28F.1, Code 1995, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 28F.1 SCOPE OF CHAPTER.

8 This chapter provides a means to reduce the cost of
9 local government by assisting public agencies in the
10 undertaking of joint financing and is intended to
11 provide specific state legislation consistent with
12 criteria established by regulations and rulings of the
13 commissioner of internal revenue, United States
14 department of treasury, in order for a separate joint
15 financing entity to be treated as a constituted
16 authority empowered to issue obligations on behalf of
17 political subdivisions of this state. This chapter
18 provides a means for the joint financing by public
19 agencies of works or facilities which are part of any
20 city enterprise as defined in section 384.24, county
21 enterprise as defined in section 331.461, city utility
22 as defined in section 362.2, joint water utility as
23 defined in section 389.1, or sanitary district as
24 defined in chapter 358. This chapter applies to the
25 acquisition, construction, reconstruction, ownership,

26 operation, repair, extension, or improvement of the
 27 works or facilities, by a separate administrative or
 28 legal entity created pursuant to chapter 28E or
 29 chapter 389. When the legal entity created under this
 30 chapter is comprised solely of cities, counties, or
 31 sanitary districts established under chapter 358 or
 32 any combination of these political subdivisions, or
 33 any combination of the public agencies previously
 34 specified in this section with other public agencies,
 35 the entity shall be both a corporation and a political
 36 subdivision with the name under which it was
 37 organized. The legal entity may sue and be sued,
 38 contract, acquire and hold real and personal property
 39 necessary for corporate purposes, adopt a corporate
 40 seal and alter the seal at pleasure, and execute all
 41 powers conferred by this chapter.

42 Sec. 2. Section 28F.2, Code 1995, is amended to
 43 read as follows:

44 28F.2 DEFINITIONS.

45 The terms "public agency", "state", and "private
 46 agency" shall have the meanings prescribed by section
 47 28E.2. The term "project" or "projects" shall mean
 48 any works or facilities referred to in section 28F.1
 49 and shall include all property real and personal,
 50 pertinent thereto or connected with such project or

Page 2

1 projects, and the existing works or facilities, if
 2 any, to which such project or projects are an
 3 extension, addition, betterment, or improvement.
 4 ~~"Electric power agency" means an entity financing or~~
 5 ~~acquiring electric power facilities pursuant to this~~
 6 ~~chapter or chapter 28E.~~

7 Sec. 3. Section 28F.7, unnumbered paragraph 2,
 8 Code 1995, is amended by striking the paragraph."

9 2. Title page, line 4, by inserting after the
 10 word "research" the following: ", and allowing for
 11 joint financing for municipal utilities".

12 3. By renumbering as necessary.

VANDE HOEF of Osceola

H-5529

1 Amend House File 2479 as follows:

2 1. Page 16, by inserting after line 20 the
 3 following:

4 "Sec. ____ Section 404.5, Code 1995, is amended by
 5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. For the purposes of this
 7 section, the actual value of the property upon which
 8 the value of improvements in the form of
 9 rehabilitation or additions to existing structures
 10 shall be determined shall be the lower of either the

11 amount listed on the assessment rolls in the
12 assessment year in which such improvements are first
13 begun or the price paid by the owner if the
14 improvements in the form of rehabilitation or
15 additions to existing structures were begun within one
16 year of the date the property was purchased and the
17 sale was a fair and reasonable exchange between a
18 willing buyer and a willing seller, neither being
19 under any compulsion to buy or sell and each being
20 familiar with all the facts relating to the particular
21 property.

22 Sec. ____ APPLICABILITY. This amendment in this
23 division to section 404.5 applies to tax exemptions
24 granted under chapter 404 for improvements to real
25 property first begun on or after January 1, 1995."

26 2. Title page, line 3, by inserting after the
27 word "effective" the following: "and applicability".

28 3. By renumbering as necessary.

GRUNDBERG of Polk

H-5530

1 Amend the amendment, H-5301, to House File 2292 as
2 follows:

3 1. Page 1, line 12, by striking the word "All"
4 and inserting the following: "Except for records
5 otherwise required by law to be confidential, all".

RANTS of Woodbury

H-5531

1 Amend the amendment, H-5286, to House File 2292 as
2 follows:

3 1. Page 1, line 12, by striking the word "All"
4 and inserting the following: "Except for records
5 otherwise required by law to be confidential, all".

RANTS of Woodbury

H-5534

1 Amend House File 2423 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "Sec. ____ Section 99F.11, unnumbered paragraph 1,
5 Code 1995, is amended to read as follows:

6 A tax is imposed on the adjusted gross receipts
7 received annually from gambling games authorized under
8 this chapter at the rate of five percent on the first
9 one million dollars of adjusted gross receipts, at the
10 rate of ten percent on the next two million dollars of
11 adjusted gross receipts, and at the rate of twenty
12 percent on any amount of adjusted gross receipts over

13 three million dollars. However, beginning January 1,
 14 1997, the rate on any amount of adjusted gross
 15 receipts over three million dollars from gambling
 16 games at racetrack enclosures is twenty-two percent
 17 and shall increase by two percent each succeeding
 18 calendar year until the rate is thirty-six percent.
 19 The taxes imposed by this section shall be paid by the
 20 licensee to the treasurer of state within ten days
 21 after the close of the day when the wagers were made
 22 and shall be distributed as follows:"

23 2. Title page, line 1, by inserting after the
 24 word "taxation" the following: "of gross receipts
 25 from gambling games and".

CATALDO of Polk

H-5538

1 Amend Senate File 2114, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 35.
 4 2. Page 2, line 10, by striking the words "a
 5 forcible felony" and inserting the following: "the
 6 following forcible felonies".
 7 3. Page 2, line 12 by striking the word
 8 "release." and inserting the following: "release:".
 9 4. Page 2, by inserting after line 12 the
 10 following:

11 "1. Murder in the second degree in violation of
 12 section 707.3.
 13 2. Sexual abuse in the second degree in violation
 14 of section 709.3.
 15 3. Kidnapping in the second degree in violation of
 16 section 710.3.
 17 4. Robbery in the first or second degree in
 18 violation of section 711.2 or 711.3."
 19 5. Title page, by striking lines 2 through 5, and
 20 inserting the following: "convicted of certain
 21 forcible felonies, by limiting the reduction of
 22 sentence for certain forcible".
 23 6. By renumbering as necessary.

Committee on Judiciary

H-5539

1 Amend Senate File 2428, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 1 through 6.
 4 2. By renumbering as necessary.

Committee on Judiciary

H-5542

1 Amend Senate File 2385, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 2 the
4 following:

5 "Sec. ____ Section 602.6302, subsection 2, Code
6 1995, is amended to read as follows:

7 2. An order of substitution shall not take effect
8 unless a copy of the order is received by the
9 chairperson of the ~~county magistrate appointing~~
10 ~~commission or commissions~~ district judicial nominating
11 commission no later than May 31 of the year in which
12 the substitution is to take effect. A copy of the
13 order shall also be sent to the state court
14 administrator.

15 Sec. ____ Section 602.6303, subsection 1, Code
16 1995, is amended to read as follows:

17 1. In a county having only one district associate
18 judge, the ~~county magistrate appointing~~ district
19 judicial nominating commission that includes that
20 county, by majority vote, may authorize that an
21 alternate district associate judge be appointed.

22 Sec. ____ Section 602.6304, Code 1995, is amended
23 to read as follows:

24 602.6304 APPOINTMENT OF DISTRICT ASSOCIATE JUDGES.

25 1. The district associate judges authorized by
26 sections 602.6301, 602.6302, and 602.6303 shall be
27 appointed by the district judges of the judicial
28 election district from persons nominated by the ~~county~~
29 ~~magistrate appointing~~ applicable district judicial
30 nominating commission. In the case of a district
31 associate judge to be appointed to more than one
32 ~~county, the appointment shall be from persons~~
33 ~~nominated by the county magistrate appointing~~
34 ~~commissions acting jointly and in the case of a~~
35 ~~district associate judge to be appointed to more than~~
36 one judicial election district of the same judicial
37 district, the appointment shall be by a majority of
38 the district judges in each judicial election
39 district.

40 2. In November of any year in which an impending
41 vacancy is created because a district associate judge
42 is not retained in office pursuant to a judicial
43 election, the ~~county magistrate appointing~~ district
44 judicial nominating commission shall publicize notice
45 of the vacancy in at least two publications in the
46 official county newspaper. The commission shall
47 accept applications for consideration for nomination
48 as district associate judge for a minimum of fifteen
49 days prior to certifying nominations. The commission
50 shall consider the applications and shall, by majority

Page 2

1 vote, certify to the chief judge of the judicial

2 district not later than December 15 of that year the
3 names of three applicants who are nominated by the
4 commission for the vacancy. If there are three or
5 fewer applicants the commission shall certify all
6 applicants who meet the statutory qualifications.
7 Nominees shall be chosen solely on the basis of the
8 qualifications of the applicants, and political
9 affiliation shall not be considered.

10 3. Within thirty days after a ~~county magistrate~~
11 ~~appointing district judicial nominating~~ commission
12 receives notification of an actual or impending
13 vacancy in the office of district associate judge,
14 other than a vacancy referred to in subsection 2, the
15 commission shall certify to the chief judge of the
16 judicial district the names of three applicants who
17 are nominated by the commission for the vacancy. The
18 commission shall publicize notice of the vacancy in at
19 least two publications in the official county
20 newspaper. The commission shall accept applications
21 for consideration for nomination as district associate
22 judge for a minimum of fifteen days prior to
23 certifying nominations. The commission shall consider
24 the applications and shall, by majority vote, certify
25 to the chief judge of the judicial district the names
26 of three applicants who are nominated by the
27 commission for the vacancy. If there are three or
28 fewer applicants the commission shall certify all
29 applicants who meet the statutory qualifications.
30 Nominees shall be chosen solely on the basis of the
31 qualifications of the applicants, and political
32 affiliation shall not be considered. As used in this
33 subsection, a vacancy is created by the death,
34 retirement, resignation, or removal of a district
35 associate judge, or by an increase in the number of
36 positions authorized.

37 4. Within fifteen days after the chief judge of a
38 judicial district has received the list of nominees to
39 fill a vacancy in the office of district associate
40 judge, the district judges in the judicial election
41 district shall, by majority vote, appoint one of those
42 nominees to fill the vacancy.

43 5. The supreme court may prescribe rules of
44 procedure to be used by ~~county magistrate appointing~~
45 ~~district judicial nominating~~ commissions when
46 exercising the duties specified in this section.

47 Sec. ____ Section 602.6305, Code 1995, is amended
48 to read as follows:

49 602.6305 TERM, RETENTION, QUALIFICATIONS.

50 1. District associate judges shall serve initial

2 the judicial election districts of their residences
3 from which they are appointed at the judicial election
4 in 1982 and every four years thereafter, under
5 sections 46.17 to 46.24.

6 2. A person does not qualify for appointment to
7 the office of district associate judge unless the
8 person is at the time of appointment a resident of the
9 county judicial district in which the vacancy exists,
10 licensed to practice law in Iowa, and will be able,
11 measured by the person's age at the time of
12 appointment, to complete the initial term of office
13 prior to reaching age seventy-two. An applicant for
14 district associate judge shall file a certified
15 application form, to be provided by the supreme court,
16 with the chairperson of the county magistrate
17 appointing district judicial nominating commission.

18 3. A district associate judge must be a resident
19 of a county the judicial district in which the office
20 is held during the entire term of office. A district
21 associate judge shall serve within the judicial
22 district in which appointed, as directed by the chief
23 judge, and is subject to reassignment under section
24 602.6108.

25 4. District associate judges shall qualify for
26 office as provided in chapter 63 for district judges."

27 2. Page 2, line 33, by striking the word "This"
28 and inserting the following: "Sections 1 through 3,
29 and section 4 of this".

30 3. Page 2, line 34, by striking the word "takes"
31 and inserting the following: "take".

32 4. Page 2, line 35, by striking the word
33 "applies" and inserting the following: "apply".

34 5. Title page, line 2, by inserting after the
35 word "commissioners" the following: ", the
36 appointment and qualifications of district associate
37 judges,".

38 6. By renumbering and correcting internal
39 references in the effective and applicability dates
40 provision as necessary.

Committee on Judiciary

H-5543

1 Amend Senate File 2435, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. ____ Section 232.22, subsection 6, Code
6 Supplement 1995, is amended to read as follows:

7 6. If the court has waived its jurisdiction over
8 the child for the alleged commission of a forcible
9 felony offense pursuant to section 232.45 or 232.45A,
10 and there is a serious risk that the child may commit

11 an act which would inflict serious bodily harm on
 12 another person, the child may be held in the county
 13 jail, ~~notwithstanding section 356.3.~~ However,
 14 wherever possible the child shall be held in sight and
 15 sound separation from adult offenders. A child held
 16 in the county jail under this subsection shall have
 17 all the rights of adult postarrest or pretrial
 18 detainees. However, this subsection shall not apply
 19 to a child over whom the court has waived its
 20 jurisdiction for the purpose of prosecuting the child
 21 as a youthful offender."

22 2. Page 9, by inserting after line 32 the
 23 following:

24 "Sec. ____ Section 356.3, Code 1995, is amended to
 25 read as follows:

26 356.3 MINORS SEPARATELY CONFINED.

27 Any sheriff, city marshal, or chief of police,
 28 having in the officer's care or custody any prisoner
 29 person under the age of eighteen years who has not
 30 been waived to criminal court for the alleged
 31 commission of a forcible felony, shall keep such
 32 prisoner separate and apart, and prevent communication
 33 by such prisoner with prisoners above that age, while
 34 such prisoners are not under the personal supervision
 35 of such officer, if suitable buildings or jails are
 36 provided for that purpose, unless such prisoner is
 37 likely to or does exercise an immoral influence over
 38 other minors with whom the prisoner may be imprisoned.

39 ~~—A person under the age of eighteen years prosecuted~~
 40 ~~under chapter 232 and not waived to criminal court~~
 41 ~~shall be confined~~ confine the person in a jail only
 42 under the conditions provided in ~~chapter 232 section~~
 43 232.22.

44 A person under the age of eighteen years who has
 45 been waived to criminal court may be confined in a
 46 jail in accordance with section 232.22, subsection 6.

47 Any officer having charge of prisoners who without
 48 just cause or excuse neglects or refuses to perform
 49 the duties imposed on the officer by this section may
 50 be suspended or removed from office therefor."

Page 2

- 1 3. Title page, line 2, by inserting after the
- 2 word "offenses" the following: ", the confinement of
- 3 certain juveniles in jails,".
- 4 4. By renumbering as necessary.

KLEMME of Plymouth
 RANTS of Woodbury
 NUTT of Woodbury

H-5545

- 1 Amend the amendment, H-5372, to Senate File 2140,

2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 36 the
5 following:

6 "Sec. ____ Section 321.299, Code 1995, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. A vehicle shall not
9 operate in the farthest lane to the left on a rural
10 multilaned highway unless the vehicle is overtaking or
11 passing another vehicle in accordance with this
12 section, unless the vehicle is not impeding traffic,
13 or unless the lane is designated as an approach to an
14 off-ramp. For purposes of this paragraph, "impeding
15 traffic" means driving below the posted maximum speed
16 limit."

17 2. Page 3, line 4, by inserting after the word
18 "highways," the following: "delineating passing
19 violations,".

20 3. By renumbering as necessary.

KREMER of Buchanan

H-5546

1 Amend the amendment, H-5485, to Senate File 2140,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 36 the
5 following:

6 "Sec. ____ Section 321.299, Code 1995, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. A vehicle shall not
9 operate in the farthest lane to the left on a rural
10 multilaned highway unless the vehicle is overtaking or
11 passing another vehicle in accordance with this
12 section, unless the vehicle is not impeding traffic,
13 or unless the lane is designated as an approach to an
14 off-ramp. For purposes of this paragraph, "impeding
15 traffic" means driving below the posted maximum speed
16 limit."

17 2. Page 2, line 38, by inserting after the word
18 "highways," the following: "delineating passing
19 violations,".

20 3. By renumbering as necessary.

KREMER of Buchanan

H-5550

1 Amend the House File 2298 as follows:

2 1. Page 2, by inserting after line 7 the
3 following:

4 "Sec. 101. EFFECTIVE DATE - STUDY - CONDITIONAL
5 REPEAL.

6 1. Section 1 of this Act is effective July 1,

7 1997, unless the commissioner of insurance determines
 8 through an independent study that the requirements of
 9 this Act will affect less than fifteen percent of the
 10 Iowa population who have health care coverage pursuant
 11 to all managed care plans, indemnity plans, organized
 12 delivery systems, self-insured plans, Medicare,
 13 medicaid, and any other types of health care coverage
 14 that may be available, or if the commissioner
 15 determines that as a result of this Act the persons or
 16 business entities affected by it will suffer increased
 17 health care coverage costs.

18 2. The commissioner of insurance shall conduct an
 19 independent study of health care coverage in this
 20 state for the purpose of making a determination under
 21 subsection 1. The commissioner of insurance shall
 22 contract with at least two independent actuarial firms
 23 or consulting organizations capable of conducting this
 24 study required. The study shall be completed no later
 25 than June 1, 1997, and the results of the study shall
 26 be certified by the commissioner of insurance to the
 27 governor and the secretary of state no later than June
 28 15, 1997.

29 3. If the commissioner determines as a result of
 30 this study that less than fifteen percent of Iowa's
 31 population who have health care coverage are affected
 32 by this Act, section 1 of this Act is repealed
 33 effective July 1, 1997. If the commissioner
 34 determines as a result of this study that businesses
 35 or individuals affected by section 1 of this Act will
 36 be subject to increased health care coverage costs as
 37 a result of this Act, section 1 of this Act is
 38 repealed effective July 1, 1997.

39 Sec. 102. There is appropriated from the general
 40 fund of the state to the division of insurance of the
 41 department of commerce for the fiscal period beginning
 42 on the effective date of section 101 and this section
 43 of this Act, and ending June 30, 1997, the following
 44 amount, or so much thereof as is necessary, for the
 45 purpose of conducting the study required by section
 46 101 of this Act:

47 \$ 300,000

48 Sec. ____ Sections 101 and 102 of this Act, being
 49 deemed of immediate importance, take effect upon
 50 enactment."

Page 2

1 2. Title page, line 3, by inserting after the
 2 word "physicians" the following: ", making an
 3 appropriation, providing an effective date, and
 4 providing for a conditional repeal".

5 3. By renumbering as necessary.

H-5551

- 1 Amend the amendment, H-5485, to Senate File 2140,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 36 the
5 following:
6 "Sec. ____ Section 321.285, Code 1995, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 7. Notwithstanding the imposition
9 of a maximum speed limit under this section, a peace
10 officer shall not issue a ticket or impose a fine or
11 penalty for any speeding violation which is five miles
12 per hour or less over the maximum speed limit, if the
13 vehicle is being operated upon the interstate or
14 primary highway system."
15 2. By renumbering as necessary.

SCHRADER of Marion

H-5552

- 1 Amend the amendment, H-5372, to Senate File 2140,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 36 the
5 following:
6 "Sec. ____ Section 321.285, Code 1995, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 7. Notwithstanding the imposition
9 of a maximum speed limit under this section, a peace
10 officer shall not issue a ticket or impose a fine or
11 penalty for any speeding violation which is five miles
12 per hour or less over the maximum speed limit, if the
13 vehicle is being operated upon the interstate or
14 primary highway system."
15 2. By renumbering as necessary.

SCHRADER of Marion

H-5553

- 1 Amend Senate File 2140, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 23 the
4 following:
5 "Sec. ____ Section 321.285, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 7. Notwithstanding the imposition
8 of a maximum speed limit under this section, a peace
9 officer shall not issue a ticket or impose a fine or
10 penalty for any speeding violation which is five miles
11 per hour or less over the maximum speed limit, if the
12 vehicle is being operated upon the interstate or
13 primary highway system."

14 2. By renumbering as necessary.

SCHRADER of Marion

H-5557

1 Amend the amendment, H-5478, to Senate File 2442,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, by inserting after line 40 the
5 following:

6 "_. Page 21, by striking line 30 and inserting
7 the following:

8 "Sec. ____ ADOLESCENT PREGNANCY PREVENTION
9 PROGRAMS. There is appropriated".

10 ____ By striking page 21, line 35, through page
11 22, line 1, and inserting the following:

12 "For adolescent pregnancy prevention programs
13 including salaries, support, "

14 2. Page 5, line 43, by striking the figure
15 "1,788,986" and inserting the following: "1,034,146".

16 3. Page 5, by inserting after line 43 the
17 following:

18 "_. Page 22, line 10, by inserting after the
19 word "adolescents." the following: "Grant recipients
20 shall submit information to the department of human
21 services regarding the pregnancy rate of participants
22 in small-group activities for which follow-up contact
23 is practical. Large-group activities are exempt from
24 this reporting requirement.""

25 4. Page 5, by inserting after line 50 the
26 following:

27 "Sec. ____ FAMILY PLANNING PROGRAMS. There is
28 appropriated from the general fund of the state to the
29 department of human services for the fiscal year
30 beginning July 1, 1996, and ending June 30, 1997, the
31 following amount, or so much thereof as is necessary,
32 to be used for the purpose designated:

33 For family planning programs:
34 \$ 736,840

35 For the purposes of this section, "family planning
36 programs" include those programs which provide
37 clinical care services including those services which
38 assist a client in obtaining contraceptive devices and
39 supplies. Clinical care services include but are not
40 limited to the initial examination, an annual
41 examination, related services including, but not
42 limited to, abnormal pap repeats, sexually transmitted
43 disease testing and treatment, and infection testing
44 and treatment or referral as indicated, and injectable
45 contraceptives. "Family planning programs" also
46 include family planning educational services which
47 include, but are not limited to, group or individual
48 discussions with clients informing clients of the

49 various types of birth control methods available and
50 where the various types of birth control might be

Page 2

1 obtained.”

CARROLL of Poweshiek

H-5562

1 Amend the amendment, H-5482, to Senate File 2446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 11, by inserting after line 27 the
5 following:

6 “Sec. ____ There is appropriated from the state
7 fish and game protection fund to the division of fish
8 and wildlife of the department of natural resources
9 for the fiscal year beginning July 1, 1996, and ending
10 June 30, 1997, the following amounts, or so much
11 thereof as is necessary, except that if revenues from
12 the income tax refund checkoff credited to the state
13 fish and game protection fund in calendar year 1995 do
14 not equal or exceed \$1,500,000, the amount of the
15 deficiency is appropriated from the general fund of
16 the state instead of from the state fish and game
17 protection fund, to be used for the purposes
18 designated:

19 1. To develop and support a comprehensive nongame
20 wildlife-oriented education program to be implemented
21 through the schools, county conservation boards, and
22 the department of natural resources.

23 2. To enhance opportunities for personal contact
24 with, and the public's appreciation for, all types of
25 wildlife by developing facilities for public
26 appreciation of wildlife.

27 3. To protect, develop, and manage habitats to
28 enhance nongame populations on public and private
29 lands through habitat development and acquisition.

30 4. To develop and support nongame wildlife species
31 management, research, and surveys.

32 5. To match moneys appropriated by the United
33 States government or an agency, commission, or
34 department of the United States government if the
35 appropriation of moneys by a state is a condition of
36 the state or an agency, commission, or department of
37 the state, receiving federal moneys.

38 6. To adopt programs by the division of fish and
39 wildlife of the department of natural resources
40 relating to wildlife diversity by rule pursuant to
41 chapter 17A:

42 \$ 1,500,000"

43 2. By renumbering as necessary.

BURNETT of Story
FALLON of Polk

H-5563

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 4, by striking lines 7 through 43.
- 5 2. By renumbering as necessary.

WISE of Lee
 DODERER of Johnson
 MAY of Worth
 SHOULTZ of Black Hawk
 HARPER of Black Hawk
 WITT of Black Hawk
 CONNORS of Polk
 SCHRADER of Marion
 LARKIN of Lee
 BRAMMER of Linn
 BELL of Jasper
 BURNETT of Story
 WEIGEL of Chickasaw
 OSTERHAUS of Jackson
 O'BRIEN of Boone

DREES of Carroll
 MORELAND of Wapello
 BRAND of Benton
 MASCHER of Johnson
 HOLVECK of Polk
 JOCHUM of Dubuque
 MURPHY of Dubuque
 MYERS of Johnson
 NELSON of Pottawattamie
 COHOON of Des Moines
 KOENIGS of Mitchell
 TAYLOR of Linn
 OLLIE of Clinton
 MERTZ of Kossuth
 KREIMAN of Davis

H-5568

- 1 Amend House File 2447 as follows:
- 2 1. Page 6, by inserting after line 35 the
- 3 following:
- 4 "Sec. ____ RATE INCREASE MORATORIUM. The Iowa
- 5 utilities board shall not approve a rate increase for
- 6 a gas or electric utility subject to rate regulation
- 7 under chapter 476, for at least one year from the date
- 8 of the enactment of this Act."
- 9 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5569

- 1 Amend House File 2315, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 12, by striking the words
- 4 "calendar year" and inserting the following: "month".
- 5 2. Page 1, line 21, by striking the words
- 6 "calendar year" and inserting the following: "month".

Senate Amendment

H-5570

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 7, by inserting after the figure
- 3 "148," the following: "150,"
- 4 2. Page 1, line 12, by inserting after the figure
- 5 "148," the following: "150,"
- 6 3. Page 2, line 7, by inserting after the figure
- 7 "148," the following: "150,"

METCALF of Polk

H-5572

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 18, by striking the figure
- 5 "1,586,111" and inserting the following: "1,636,111".
- 6 2. Page 1, line 19, by striking the figure
- 7 "41.45" and inserting the following: "42.45".
- 8 3. Page 5, by striking lines 36 through 40.
- 9 4. By striking page 14, line 42, through page 15,
- 10 line 19.
- 11 5. By renumbering as necessary.

KOENIGS of Mitchell

H-5573

- 1 Amend House Concurrent Resolution 111 as follows:
- 2 1. By striking page 1, line 30 through page 2,
- 3 line 2 and inserting the following: "Senate
- 4 Concurring, That all Iowans".

Senate Amendment

H-5577

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking line 25 and inserting the
- 5 following: "department of human services for the
- 6 fiscal year".
- 7 2. Page 2, by striking line 35 and inserting the
- 8 following:
- 9 "1. The director of human services, within the".
- 10 3. Page 3, line 5, by striking the words "revenue
- 11 and finance" and inserting the following: "human
- 12 services".
- 13 4. Page 3, by striking line 12 and inserting the
- 14 following:
- 15 "3. The director of human services, in".
- 16 5. Page 3, by striking line 18, and inserting the

17 following:

18 "4. The director of human services may".

19 6. Page 4, by striking line 7 and inserting the
20 following:

21 "8. The director of human services may enter a".

22 7. Page 4, line 36, by striking the words and
23 figures "on July 1, 1996." and inserting the
24 following: "by January 1, 1997. The department of
25 human services shall transfer funds appropriated in
26 this section to the department of revenue and finance
27 as necessary to transfer the child support recovery
28 unit to the department of revenue and finance. The
29 responsibilities required of the director of human
30 services and the department of human services shall be
31 assumed by the director of revenue and finance and the
32 department of revenue and finance at the time of
33 transfer."

34 8. Page 10, by inserting after line 39 the
35 following:

36 "Sec. ____ DELAYED EFFECTIVE DATE. Sections 101,
37 102, 103, and 104 of this Act, amending chapter 252B,
38 take effect January 1, 1997."

OLLIE of Clinton

H-5579

1 Amend the amendment, H-5478, to Senate File 2442,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 14 the
5 following:

6 "____. Page 12, by striking line 2 and inserting
7 the following:

8 "1. Of the funds appropriated in this section,
9 \$11,380,700".

10 2. Page 2, by inserting after line 20 the
11 following:

12 "____. Of the funds appropriated in this section,
13 \$10,000 is allocated to the community voice mail
14 program to continue the existing program."

FALLON of Polk

H-5580

1 Amend the amendment, H-5478, to Senate File 2442,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 14 the
5 following:

6 "____. Page 12, by striking line 2 and inserting
7 the following:

8 "1. Of the funds appropriated in this section,

9 \$11,270,700".

- 10 2. Page 2, by inserting after line 20 the
 11 following:
 12 "_. Of the funds appropriated in this section,
 13 \$120,000 is allocated to the community voice mail
 14 program to expand the program statewide."

FALLON of Polk

H-5583

- 1 Amend Senate File 2442, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, by inserting after line 17 the
 4 following:
 5 "3. Any future contract entered into by the
 6 department for mental health managed care under the
 7 medical assistance program shall include a provision
 8 which requires the contractor to make public
 9 information which includes the profit realized by the
 10 contractor and the amount of funds expended by the
 11 contractor for administrative purposes under the
 12 contract."

JOCHUM of Dubuque

H-5588

- 1 Amend the amendment, H-5478, to Senate File 2442,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 8, by striking lines 33 through 46.
 5 2. By renumbering as necessary.

WITT of Black Hawk
 HOLVECK of Polk

H-5590

- 1 Amend the amendment, H-5372, to Senate File 2140,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 21, by inserting after the word
 5 "traffic" the following: "other than motor
 6 trucks".
 7 2. Page 1, line 24, by inserting after the word
 8 "hour" the following: "and the speed limit for motor
 9 trucks is sixty-five miles per hour".

McCOY of Polk

H-5600

- 1 Amend Senate File 2409, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 16, by inserting after the word
4 "loan" the following: "loss reserve account in
5 section 15.345."
- 6 2. Page 1, line 17, by striking the letter "b."
7 and inserting the following: "b"
- 8 3. Page 5, by striking lines 11 through 28.
- 9 4. Page 6, by striking lines 23 through 25 and
10 inserting the following: "control the budget of the
11 department and its divisions ~~and shall approve the~~
12 ~~employment of all personnel of the department and its~~
13 ~~divisions.~~ The director shall employ personnel as
14 necessary to carry out the duties and responsibilities
15 of the department, consistent with the merit system
16 provisions of chapter 19A for employees other than
17 professional and technical employees. Professional
18 and technical employees of the department are exempt
19 from the merit system provisions of chapter 19A,
20 except as otherwise required by federal law and
21 regulation, and except for employees in the divisions
22 of labor services and industrial services."
- 23 5. Page 6, line 35, by striking the word "eight"
24 and inserting the following: "nine".
- 25 6. Page 7, line 18, by striking the word "Not".
- 26 7. Page 7, by striking lines 19 through 24 and
27 inserting the following: "The governor, consistent
28 with the requirements of federal law, shall appoint
29 the nine voting".
- 30 8. Page 7, by striking lines 28 and 29 and
31 inserting the following: "persons knowledgeable in
32 the area of workforce development."
- 33 9. Page 10, line 1, by inserting after the word
34 "governor" the following: ", consistent with the
35 requirements of federal law and in consultation with
36 chief elected officials within the region. Chief
37 elected officials responsible for recommendations for
38 board membership shall include, but are not limited
39 to, county elected officials, municipal elected
40 officials, and community college trustees".
- 41 10. Page 10, lines 4 and 5, by striking the words
42 "a superintendent of schools" and inserting the
43 following: "a representative of a school district".
- 44 11. Page 10, line 14, by striking the word
45 "through" and inserting the following: ", 3, and".
- 46 12. Page 13, by inserting after line 4 the
47 following:
48 "8. The department, in consultation with the
49 applicable regional advisory board, shall select
50 service providers, subject to approval by the

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- 1 workforce development board for each service delivery
2 area. A service provider in each service delivery

3 area shall be identified to coordinate the services
4 throughout the service delivery area. The department
5 shall select service providers that, to the extent
6 possible, meet or have the ability to meet the
7 following criteria:
8 a. The capacity to deliver services uniformly
9 throughout the service delivery area.
10 b. The experience to provide workforce development
11 services.
12 c. The capacity to cooperate with other public and
13 private agencies and entities in the delivery of
14 education, workforce training, retraining, and
15 workforce development services throughout the service
16 delivery area.
17 d. The demonstrated capacity to understand and
18 comply with all applicable state and federal laws,
19 rules, ordinances, regulations, and orders, including
20 fiscal requirements."

21 13. Page 16, line 15, by inserting after the
22 figure "260C.2," the following: "or within a
23 combination of merged areas."

24 14. Page 18, by striking line 29 and inserting
25 the following:

26 "Sec. ____ The director of the department of
27 workforce development shall, in cooperation with the
28 department of personnel, make recommendations to the
29 department of personnel concerning the development and
30 implementation of a new position classification plan
31 for the department. The position classification plan
32 shall reflect the expanded responsibilities of the
33 department, facilitate the integration of job training
34 and job placement programs, foster a professional,
35 innovative, and high performance working environment,
36 and provide flexibility in designing and implementing
37 local and regional workforce development delivery
38 systems. However, the new position classification
39 plan to be implemented by the department shall be
40 consistent with the rules adopted as of the effective
41 date of this Act pursuant to section 19A.9, subsection
42 1, for position classification plans.

43 The new position classification plan shall be
44 adopted by the department of personnel and implemented
45 by the department of workforce development not later
46 than January 1, 1997. Employees of the department of
47 employment services and employees who were assigned to
48 the department of economic development prior to July
49 1, 1996, shall have an equal opportunity to apply for
50 the positions established in the new position

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1 classification plan.

2 The department of personnel shall assist the

- 3 department of workforce development with the
- 4 implementation of this section.
- 5 In designing the local, regional, and state".
- 6 15. By renumbering as necessary.

Committee on Economic Development

H-5603

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:

3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause and inserting
5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148, 150A, or 151, and to each
14 audiologist as defined in section 147.151, each person
15 practicing osteopathy under chapter 150, each
16 acupuncturist registered under chapter 148E, each
17 occupational therapist licensed under chapter 148B,
18 each physician assistant licensed under chapter 148C,
19 each podiatrist licensed under chapter 149, each
20 registered or practical nurse licensed under chapter
21 152, each dietician licensed under chapter 152A, each
22 respiratory care practitioner licensed under chapter
23 152B, each massage therapist licensed under chapter
24 152C, each person engaged in the practice of optometry
25 pursuant to chapter 154, each hearing aid dealer
26 licensed under chapter 154A, each person engaged in
27 the practice of psychology subject to regulation under
28 chapter 154B, each person engaged in the practice of
29 licensed social work subject to regulation under
30 chapter 154C, each marital and family therapist
31 licensed under chapter 154D, and each pharmacist
32 licensed under chapter 155A. Such direct access to a
33 physician licensed under chapter 151 shall not be
34 conditioned upon a referral by a provider licensed
35 under another chapter. Access to a specialist may be
36 conditioned upon a referral by a primary care provider
37 licensed under chapter 148 or 150A, or a primary care
38 provider who is an audiologist as defined in section
39 147.151, a person engaged in the practice of
40 osteopathy under chapter 150, an acupuncturist
41 registered under chapter 148E, an occupational
42 therapist licensed under chapter 148B, a physician
43 assistant licensed under chapter 148C, a podiatrist
44 licensed under chapter 149, a registered or practical
45 nurse licensed under chapter 152, dietician licensed

46 under chapter 152A, a respiratory care practitioner
 47 licensed under chapter 152B, a massage therapist
 48 licensed under chapter 152C, a person engaged in the
 49 practice of optometry pursuant to chapter 154, a
 50 hearing aid dealer licensed under chapter 154A, a

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1 person engaged in the practice of psychology and
 2 regulated under chapter 154B, a person engaged in the
 3 practice of licensed social work and regulated under
 4 chapter 154C, a marital and family therapist licensed
 5 under chapter 154D, a pharmacist licensed under
 6 chapter 155A. If a primary care provider determines
 7 that a referral should be made to a provider licensed,
 8 registered, or otherwise regulated under another
 9 chapter, a managed care health plan or indemnity plan
 10 with a limited provider network may require that the
 11 referral be made first to a provider designated by the
 12 plan. Access to a specialist may be subject to a
 13 different copayment or deductible than access to a
 14 primary care provider. Access to a nonparticipating
 15 provider may be restricted or may be subject to
 16 different copayments, deductibles, or premium rates,
 17 or may be excluded.

18 For purposes of this section, "managed care health
 19 plan or indemnity plan with a limited provider
 20 network" means a health maintenance organization,
 21 organized delivery system, accountable health plan,
 22 health care insurance plan which limits the number of
 23 health care providers who can provide services under
 24 the plan, preferred provider organization, exclusive
 25 provider organization, restricted access network, or
 26 similar health-care plan."

27 2. Title page, line 3, by striking the word
 28 "physicians" and inserting the following:
 29 "providers".

GRUNDBERG of Polk

H-5604

1 Amend House File 2298 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 101. Section 422.7, Code Supplement 1995,
 5 is amended by adding the following new subsections:
 6 NEW SUBSECTION. 32A. Subtract up to one thousand
 7 eight hundred dollars contributed by the individual,
 8 the individual's employer, or a public agency, in the
 9 aggregate to a family health account for the
 10 individual, or up to four thousand two hundred dollars
 11 contributed by the individual, the individual's
 12 employer, or a public agency, in the aggregate to a

13 family health account for the individual and the
14 individual's spouse and dependents. However, the
15 amount to be subtracted shall be reduced, but not
16 below zero, by the amount of health insurance premiums
17 paid by the taxpayer's employer covering the taxpayer
18 or the taxpayer's spouse or dependent which premiums
19 were not subject to state income tax.

20 NEW SUBSECTION. 32B. Subtract to the extent
21 included, interest earned in the tax year on a family
22 health account unless the interest is withdrawn and
23 not used for any of the approved purposes described in
24 section 505.22, subsection 1, paragraph "f".

25 NEW SUBSECTION. 32C. Add to the extent not
26 included, amounts withdrawn from a family health
27 account which were not used for any of the approved
28 purposes described in section 505.22, subsection 1,
29 paragraph "f", and which represent tax benefits
30 previously taken by the individual.

31 NEW SUBSECTION. 32D. Subtract the amount of
32 premiums paid by the taxpayer for the renewal of a
33 long-term care insurance policy or contract certified
34 by the division of insurance pursuant to chapter 249G
35 which covers the taxpayer, taxpayer's spouse, or
36 dependent children. The taxpayer may elect to take
37 for premiums paid during the tax year the deduction
38 authorized by this subsection or the credit under
39 section 422.11 to the extent the premiums have not
40 been deducted in subsection 32 of this section.

41 Sec. 102. NEW SECTION. 422.11 LONG-TERM CARE
42 INSURANCE CREDIT.

43 The tax imposed under this division, less the
44 credits allowed under sections 422.11A, 422.11B,
45 422.11C, 422.12, and 422.12B, shall be reduced by a
46 long-term care insurance credit. The amount of the
47 credit is equal to the first one hundred dollars paid
48 in premiums by the taxpayer during the tax year for
49 the renewal of a long-term care insurance policy or
50 contract certified by the division of insurance

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1 pursuant to chapter 249G which covers the taxpayer,
2 taxpayer's spouse, or dependent children. Any amounts
3 paid in premiums for long-term coverage that are
4 claimed as a credit shall not be deducted as a medical
5 expense under section 422.9, subsection 2, or as
6 health insurance costs of self-employed individuals
7 under section 162(l) of the Internal Revenue Code. A
8 credit under this section for the premiums paid in the
9 tax year may not be taken if the taxpayer takes a
10 deduction under section 422.7, subsection 32D, for
11 those premiums.

12 Any credit in excess of the tax liability for the

13 tax year is refundable. In lieu of claiming a refund,
14 the taxpayer may elect to have the overpayment shown
15 on the taxpayer's final, completed return credited to
16 the tax liability for the following tax year.

17 Sec. 103. NEW SECTION. 505.23 FAMILY HEALTH
18 ACCOUNT AUTHORIZED.

19 1. A financial instrument known as the family
20 health account is established. A family health
21 account shall have all of the following
22 characteristics:

23 a. The account is kept in the name of the
24 individual, the individual's spouse, or the
25 individual's dependent.

26 b. Deposits of up to one thousand eight hundred
27 dollars for an individual and four thousand two
28 hundred dollars for an individual and the individual's
29 spouse or dependents can be made to the family health
30 account in the year.

31 c. The account earns income or interest.

32 d. In the case of death of an individual with a
33 family health account, the balance may be transferred
34 to the account of the spouse or dependent or an
35 account may be set up for the spouse or dependent.
36 The balance of an individual's family health account
37 that transfers to the spouse or dependent at the time
38 of death is not subject to the state inheritance tax.

39 e. A family health account may be used for any of
40 the following purposes and payments from the account
41 are restricted to the following:

42 (1) To receive subsidies from the state or federal
43 government to assure access to health insurance or
44 health care.

45 (2) To receive contributions from employers and
46 others on a tax-exempt basis to the extent otherwise
47 permitted by state or federal income tax law.

48 (3) To receive deposits of pretax income to
49 provide a savings vehicle for future insurance
50 premium, copayment, and deductible requirements.

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1 (4) To accrue interest income on a tax-exempt or
2 tax-deferred basis to the extent otherwise permitted
3 by state or federal income tax law.

4 (5) To purchase a private health plan from an
5 insurer, health maintenance organization, or organized
6 delivery system authorized to do business in Iowa,
7 either directly or through a health insurance
8 purchasing cooperative.

9 (6) To participate in an employer-sponsored health
10 benefit plan.

11 (7) To exercise rights through an employer-
12 sponsored health benefit plan provided under the

13 federal Consolidated Omnibus Budget Reconciliation Act
14 of 1986.

15 (8) To make payments to health care providers
16 necessary to satisfy copayment or deductible
17 requirements under a health plan.

18 (9) To make payments to licensed health care
19 providers.

20 (10) To make payments for necessary and
21 appropriate long-term care services, and long-term
22 care insurance coverage approved by the commissioner.

23 f. Amounts withdrawn for any of the following
24 approved purposes do not result in income to the
25 holder of a family health account:

26 Payment of costs identified under paragraph "e",
27 subparagraphs (5), (6), (7), (8), (9), and (10), for
28 the individual, the individual's spouse, and the
29 individual's dependents to the extent that the
30 expenditures qualify for the deduction for medical
31 care under section 213(a) of the Internal Revenue Code
32 without regard to whether the expenditures exceed
33 seven and one-half percent of the individual's federal
34 adjusted gross income. However, any expenditure for
35 an approved purpose which is paid from the family
36 health account shall not be deducted as a medical
37 expense under section 422.9, subsection 2, as health
38 insurance costs of self-employed individuals under
39 section 162(1) of the Internal Revenue Code, or as
40 costs of health benefits coverage or insurance under
41 section 422.7, subsection 32.

42 g. A financial institution holding a family health
43 account shall make an annual report to the department
44 of revenue and finance on contributions and
45 withdrawals to the account in the year pursuant to
46 rules of the department.

47 h. A financial institution administering a family
48 health account shall be able to process claims against
49 the account electronically subject to reasonable terms
50 and conditions as determined by the insurance division

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1 and consistent with the requirements of the community
2 health management information system.

3 i. If an individual makes a withdrawal from the
4 individual's family health account in the tax year and
5 the withdrawal is not for one of the purposes
6 described in paragraph "f", a civil penalty of ten
7 percent shall be imposed on the amount withdrawn
8 pursuant to rules of the department.

9 2. As a condition of maintaining a family health
10 account the individual or family must secure and
11 maintain a health benefit plan. The plan must provide
12 for copayments, deductibles, or out-of-pocket maximums

13 consistent with the average balance of the family
14 health account.

15 3. As used in this section, unless the context
16 otherwise requires:

17 a. "Account holder" means an individual for whose
18 benefit a family health account is established.

19 b. "Dependent" means the same as defined in
20 section 152 of the Internal Revenue Code.

21 c. "Financial institution" means a private
22 insurer, health maintenance organization, organized
23 delivery system, health insurance purchasing
24 cooperative, or a financial institution approved by
25 the insurance division as an investment mechanism for
26 family health accounts and licensed to do business in
27 this state.

28 d. "Internal Revenue Code" means the same as
29 defined in section 422.3.

30 Sec. ____ FAMILY HEALTH ACCOUNTS - STATE PILOT
31 PROJECT.

32 1. The department of personnel may develop and
33 implement a pilot project making the provisions of a
34 family health account, in accordance with section 103
35 of this Act, available to employees of the state. The
36 family health account shall be available to an
37 employee participating in the pilot project in lieu of
38 state group health insurance available to the employee
39 under chapter 509A.

40 2. In addition to the family health account
41 provisions under section 103 of this Act, the
42 department shall consider and include as part of the
43 pilot project any of the following provisions deemed
44 prudent by the department:

45 a. Providing an opportunity for the employee to
46 buy into a state group insurance plan under chapter
47 509A from the employee's family health account.

48 b. Providing catastrophic loss coverage.

49 c. Allowing the account to be used for preventive
50 health purchases such as fitness, smoking cessation,

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1 and weight loss classes.

2 d. Providing options for those ancillary health
3 purchases available under the state's group health
4 insurance plans, including but not limited to
5 purchases of prescription drugs, vision care, and
6 dental care.

7 3. If the department decides to develop and
8 implement a pilot project, the department shall
9 implement the pilot project beginning January 1, 1997,
10 and the department shall present the pilot project
11 design on or before October 1, 1996, to the fiscal
12 committee of the legislative council."

- 13 2. Page 2, by inserting after line 7 the
 14 following:
 15 "Sec. ____ Sections 101, 102, and 103 of this Act
 16 take effect January 1, 1997, for tax years beginning
 17 on or after that date."
 18 3. Title page, line 3, by inserting after the
 19 word "physicians" the following: ", establishing
 20 family health accounts, and providing applicability
 21 and effective date provisions".

HALVORSON of Clayton

H-5605

- 1 Amend Senate File 2208, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 22 the
 4 following:
 5 "Sec. ____ The department of human services shall
 6 work with the department of public safety to develop a
 7 single point of contact for persons seeking
 8 information regarding individuals who may be listed on
 9 the child abuse registry created in section 235A.14,
 10 the dependent adult abuse registry created in section
 11 235B.5, or the sex offender registry created in
 12 section 692A.10. The department of human services and
 13 the department of public safety shall also study the
 14 issue of information sharing among the registries.
 15 The department of human services and the department of
 16 public safety shall present a joint report to the
 17 general assembly not later than December 15, 1996,
 18 regarding the feasibility of creating a single point
 19 of contact for information on the registries and
 20 providing information sharing among the registries,
 21 including the statutory changes necessary for
 22 implementation."
 23 2. Title page, line 2, by striking the words
 24 "registry and" and inserting the following:
 25 "registry, requiring a departmental study, and".
 26 3. By renumbering as necessary.

KREIMAN of Davis

H-5606

- 1 Amend Senate File 2208, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 125.14A, subsections 1 and 2,
 6 Code 1995, are amended to read as follows:
 7 1. If a person is being considered for licensure
 8 under this chapter, or for employment involving direct
 9 responsibility for a child or with access to a child

10 when the child is alone, by a program admitting
11 juveniles subject to licensure under this chapter, or
12 if a person will reside in a facility utilized by such
13 a program, and if the person has been convicted of a
14 crime, is registered in the sex offender registry
15 under chapter 692A, or has a record of founded child
16 abuse, the department of human services and the
17 program, for an employee of the program, shall perform
18 an evaluation to determine whether the crime or
19 founded child abuse warrants prohibition of licensure,
20 employment, or residence in the facility. The
21 department of human services shall conduct criminal,
22 sex offender, and child abuse record checks in this
23 state and may conduct these checks in other states.
24 The evaluation shall be performed in accordance with
25 procedures adopted for this purpose by the department
26 of human services.

27 2. If the department of human services determines
28 that a person has committed a crime, is registered in
29 the sex offender registry, or has a record of founded
30 child abuse and is licensed, employed by a program
31 licensed under this chapter, or resides in a licensed
32 facility the department shall notify the program that
33 an evaluation will be conducted to determine whether
34 prohibition of the person's licensure, employment, or
35 residence is warranted.

36 Sec. ____ Section 135C.33, subsection 1, Code
37 1995, is amended to read as follows:

38 1. On or after July 1, ~~1994~~ 1996, with regard to
39 new applicants for licensure or employment, if a
40 person is being considered for licensure under this
41 chapter, or for employment involving direct
42 responsibility for a resident or with access to a
43 resident when the resident is alone, or if the person
44 considered for licensure or employment under this
45 chapter will reside in a facility, ~~the facility may~~
46 ~~request that the~~ department of human services shall
47 conduct criminal, sex offender registry, and child and
48 dependent adult abuse record checks in this state and
49 in other states, on a random basis. Beginning July 1,
50 ~~1994, a facility shall inform all new applicants for~~

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1 ~~employment of the possibility of the performance of a~~
2 ~~record check and shall obtain, from the applicant, a~~
3 ~~signed acknowledgment of the receipt of the~~
4 ~~information.~~ Additionally, on or after July 1, 1994,
5 a facility shall include the following inquiry in an
6 application for employment: "Do you have a record of
7 founded child or dependent adult abuse or have you
8 ever been convicted of a crime, in this state or any
9 other state?" If the person has been convicted of a

10 crime under a law of any state, is registered in the
11 sex offender registry, or has a record of founded
12 child or dependent adult abuse, the department of
13 human services shall perform an evaluation to
14 determine whether the crime, sex offense, or founded
15 child or dependent adult abuse warrants prohibition of
16 licensure, employment, or residence in the facility.
17 The evaluation shall be performed in accordance with
18 procedures adopted for this purpose by the department
19 of human services.

20 Sec. ____ Section 135H.7, subsection 2, paragraphs
21 a and b, Code 1995, are amended to read as follows:

22 a. If a person is being considered for licensure
23 under this chapter, or for employment involving direct
24 responsibility for a child or with access to a child
25 when the child is alone, by a licensed psychiatric
26 institution, or if a person will reside in a facility
27 utilized by a licensee, and if the person has been
28 convicted of a crime, is registered in the sex
29 offender registry under chapter 692A, or has a record
30 of founded child abuse, the department of human
31 services and the licensee, for an employee of the
32 licensee, shall perform an evaluation to determine
33 whether the crime or founded child abuse warrants
34 prohibition of licensure, employment, or residence in
35 the facility. The department of human services shall
36 conduct criminal and child abuse record checks in this
37 state and may conduct these checks in other states.
38 The evaluation shall be performed in accordance with
39 procedures adopted for this purpose by the department
40 of human services.

41 b. If the department of human services determines
42 that a person has committed a crime, is registered in
43 the sex offender registry, or has a record of founded
44 child abuse and is licensed, employed by a psychiatric
45 institution licensed under this chapter, or resides in
46 a licensed facility the department shall notify the
47 program that an evaluation will be conducted to
48 determine whether prohibition of the person's
49 licensure, employment, or residence is warranted.

50 Sec. ____ NEW SECTION. 217.45 RECORDS CHECKS.

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1 1. For the purposes of this section, "licensee"
2 means an applicant for or licensee under chapter 135B,
3 135G, or 135J. If a person is being considered for
4 licensure under chapter 135B, 135G, or 135J, or for
5 employment involving direct responsibility for a
6 patient receiving services from a licensee or with
7 access to a patient when the patient is alone, by a
8 licensee, or if a person will reside in a facility
9 utilized by a licensee, and if the person has been

10 convicted of a crime, is registered in the sex
11 offender registry under chapter 692A, or has a record
12 of founded child or dependent adult abuse, the
13 department and the licensee for an employee of the
14 licensee shall perform an evaluation to determine
15 whether the crime or founded dependent adult abuse or
16 child abuse warrants prohibition of licensure,
17 employment, or residence in the facility. The
18 department shall conduct criminal, sex offender
19 registry, and child abuse and dependent adult abuse
20 record checks in this state and may conduct these
21 checks in other states. The evaluation shall be
22 performed in accordance with procedures adopted for
23 this purpose by the department.

24 2. If the department determines that a person has
25 committed a crime, is registered in the sex offender
26 registry, or has a record of founded abuse and is
27 licensed, employed by a licensee, or resides in a
28 facility utilized by a licensee, the department shall
29 notify the licensee that an evaluation will be
30 conducted to determine whether prohibition of the
31 person's licensure, employment, or residence is
32 warranted.

33 3. In an evaluation, the department and the
34 licensee for an employee of the licensee shall
35 consider the nature and seriousness of the crime or
36 founded abuse in relation to the position sought or
37 held, the time elapsed since the commission of the
38 crime or founded abuse, the circumstances under which
39 the crime or founded abuse was committed, the degree
40 of rehabilitation, the likelihood that the person will
41 commit the crime or founded abuse again, and the
42 number of crimes or founded abuses committed by the
43 person involved. The department may permit a person
44 who is evaluated to be licensed, employed, or to
45 reside, or to continue to be licensed, employed, or to
46 reside in a facility utilized by a licensee, if the
47 person complies with the department's conditions
48 relating to the person's licensure, employment, or
49 residence, which may include completion of additional
50 training. For an employee of a licensee, these

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1 conditional requirements shall be developed with the
2 licensee. The department has final authority in
3 determining whether prohibition of the person's
4 licensure, employment, or residence is warranted and
5 in developing any conditional requirements under this
6 paragraph.

7 4. If the department determines that the person
8 has committed a crime or has a record of founded abuse
9 which warrants prohibition of licensure, employment,

10 or residence, the person shall not be licensed under
 11 chapter 135B, 135G, or 135J and shall not be employed
 12 by a licensee or reside in a facility utilized by a
 13 licensee.

14 Sec. ____ Section 237.8, subsection 2, paragraphs
 15 a and b, Code 1995, are amended to read as follows:

16 a. If a person is being considered for licensure
 17 under this chapter, or for employment involving direct
 18 responsibility for a child or with access to a child
 19 when the child is alone, by a licensee under this
 20 chapter, or if a person will reside in a facility
 21 utilized by a licensee, and if the person has been
 22 convicted of a crime, is registered in the sex
 23 offender registry under chapter 692A, or has a record
 24 of founded child abuse, the department and the
 25 licensee for an employee of the licensee shall perform
 26 an evaluation to determine whether the crime or
 27 founded child abuse warrants prohibition of licensure,
 28 employment, or residence in the facility. The
 29 department shall conduct criminal, sex offender
 30 registry, and child abuse record checks in this state
 31 and may conduct these checks in other states. The
 32 evaluation shall be performed in accordance with
 33 procedures adopted for this purpose by the department.

34 b. If the department determines that a person has
 35 committed a crime, is registered in the sex offender
 36 registry, or has a record of founded child abuse and
 37 is licensed, employed by a licensee, or resides in a
 38 licensed facility the department shall notify the
 39 licensee that an evaluation will be conducted to
 40 determine whether prohibition of the person's
 41 licensure, employment, or residence is warranted.

42 Sec. ____ Section 237A.5, subsection 2, paragraphs
 43 a and b, Code 1995, are amended to read as follows:

44 a. If a person is being considered for licensure
 45 or registration under this chapter, or for employment
 46 involving direct responsibility for a child or with
 47 access to a child when the child is alone, by a child
 48 day care facility subject to licensure or registration
 49 under this chapter, or if a person will reside in a
 50 facility, and if the person has been convicted of a

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1 crime, is registered in the sex offender registry
 2 under chapter 692A, or has a record of founded child
 3 abuse, the department and the licensee or registrant
 4 for an employee of the licensee or registrant shall
 5 perform an evaluation to determine whether the crime
 6 or founded child abuse warrants prohibition of
 7 licensure, registration, employment, or residence in
 8 the facility. The department shall conduct criminal,
 9 sex offender registry, and child abuse record checks

10 in this state and may conduct these checks in other
11 states. The evaluation shall be performed in
12 accordance with procedures adopted for this purpose by
13 the department.

14 b. If the department determines that a person has
15 committed a crime, is registered in the sex offender
16 registry, or has a record of founded child abuse and
17 is licensed, employed by a licensee or registrant or
18 registered under this chapter, or resides in a
19 licensed or registered facility the department shall
20 notify the licensee or registrant that an evaluation
21 will be conducted to determine whether prohibition of
22 the person's licensure, registration, employment, or
23 residence is warranted."

24 Sec. ____ Section 600.8, subsection 1, paragraph
25 a, subparagraph (3), Code 1995, is amended to read as
26 follows:

27 (3) Whether the prospective adoption petitioner
28 has been convicted of a crime under a law of any
29 state, is registered in the sex offender registry
30 under chapter 692A, or has a record of founded child
31 abuse."

32 2. Page 2, by inserting after line 22 the
33 following:

34 "Sec. ____ Section 692A.13, Code Supplement 1995,
35 is amended by adding the following new subsection:
36 NEW SUBSECTION. ____ The department shall disclose
37 information to any of the following individuals,
38 agencies, or facilities associated with providing care
39 to a person:

40 a. To an employee or agent of the department of
41 human services responsible for conducting record
42 checks or evaluations of employees of a juvenile
43 substance abuse program licensed under section 125.14A
44 and the administrator of a program if the information
45 concerns a person employed by or being considered for
46 employment by or living in a facility utilized by the
47 program.

48 b. To an employee or agent of the department of
49 human services responsible for conducting record
50 checks or evaluations of employees of a psychiatric

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1 medical institution for children licensed under
2 chapter 135H and the administrator of a licensee if
3 the information concerns a person employed by or being
4 considered for employment by or living in a facility
5 utilized by the licensee.

6 c. To an employee or agent of the department of
7 human services for purposes of records checks of
8 licensees and applicants for licenses under chapters
9 135B, 135G, and 135J and of employees and prospective

10 employees of the licensees, as required by section
11 217.45.

12 d. To an employee or agent of the department of
13 human services responsible for registering or
14 licensing or approving the registration or licensing
15 of an individual, agency, or facility under section
16 232.142 or chapter 237 or 237A.

17 e. To an employee of the department of human
18 services responsible for an adoptive placement, a
19 certified adoption investigator, or licensed child-
20 placing agency responsible for an adoptive placement.

21 f. To an administrator of a child foster care
22 facility licensed under chapter 237 if the information
23 concerns a person employed by or being considered for
24 employment by or living in the facility.

25 g. To an administrator of a child day care
26 facility registered or licensed under chapter 237A if
27 the information concerns a person employed by or being
28 considered for employment by or living in the
29 facility."

30 3. Title page, by striking lines 1 and 2 and
31 inserting the following: "An Act providing for
32 criminal record, sex offender registry, and child and
33 dependent abuse record checks for certain facilities
34 and requiring certain persons to register with the sex
35 offender registry and providing a penalty."

36 4. By renumbering as necessary.

KREIMAN of Davis

H-5607

1 Amend Senate File 2215, as passed by the Senate, as
2 follows:

3 1. Page 1, line 15, by striking the word and
4 figures "January 13, 1997" and inserting the
5 following: "December 1, 1996".

BRUNKHORST of Bremer

H-5608

1 Amend Senate File 2265 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. NEW SECTION. 595.3A RIGHTS AND
6 OBLIGATIONS - NOTIFICATION.

7 Upon the filing of an application for a license to
8 marry and prior to the issuance of a license to marry,
9 the clerk of the district court shall provide the
10 applicants with a listing of resources to provide the
11 applicants with information which sets forth the legal
12 rights and obligations incident to marriage and
13 divorce. The chief judge of each judicial district

14 shall develop the listing of resources to be provided
15 to the applicants under this section.

16 Sec. 2. Section 598.7A, Code Supplement 1995, is
17 amended to read as follows:

18 598.7A DISSOLUTION OF MARRIAGE DOMESTIC RELATIONS
19 PROCEEDING - MEDIATION.

20 In addition to the custody mediation provided
21 pursuant to section 598.41, unless the court
22 determines that a history of domestic abuse exists as
23 specified in section 598.41, subsection 3, paragraph
24 "j", or unless the court determines that direct
25 physical harm or significant emotional harm to the
26 child, other children, or a parent is likely to
27 result, on the application of either party, or on the
28 court's own motion, the court ~~may require~~ shall
29 determine in each domestic relations proceeding or
30 modification of any order relating to those
31 proceedings whether the parties to the proceeding
32 shall participate in mediation to attempt to resolve
33 differences between the parties relative to the
34 granting of a marriage dissolution decree, if the
35 court determines that mediation may effectuate a
36 resolution of the differences without court
37 intervention.

38 The costs of mediation shall be paid in full or in
39 part by the parties, as determined by the court and
40 taxed as court costs.

41 Sec. 3. NEW SECTION. 598.7B MEDIATION AND
42 CONCILIATION SERVICES - REQUIREMENTS, QUALIFICATIONS,
43 AND FEES.

44 1. The supreme court shall prescribe rules to
45 establish the minimum qualifications for persons who
46 provide professional mediation and conciliation
47 services through the domestic relations division of a
48 district court relating to domestic relations
49 proceedings including but not limited to dissolution
50 of marriage, custody, support, or separate maintenance

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1 proceedings and including modifications of any orders
2 relating to these proceedings. The supreme court may
3 seek assistance in the drafting of the rules from
4 national mediation associations and other entities
5 with expertise in mediation and reconciliation
6 services. The rules shall provide for the
7 establishment of a sliding fee schedule for the
8 provision of services and shall require that in order
9 to provide mediation or conciliation services through
10 the domestic relations division of a district court,
11 the person is subject to the sliding fee schedule
12 established by the supreme court.

13 2. In addition to the provisions for conciliation

14 services pursuant to section 598.16, a district court
 15 may recommend or require reconciliation services to
 16 parties involved in domestic relations proceedings
 17 including but not limited to dissolution of marriage,
 18 custody, support, or separate maintenance proceedings
 19 and including modification of any orders relating to
 20 these proceedings."

21 2. Page 1, line 1, by striking the word and
 22 figure "Section 1." and inserting the following:
 23 "Sec. 4."

24 3. Page 1, line 30, by striking the word "This"
 25 and inserting the following: "Section 4 of this".

26 4. Title page, line 1, by inserting after the
 27 word "to" the following: "domestic relations
 28 including".

29 5. By renumbering as necessary.

KREIMAN of Davis

H-5609

1 Amend Senate File 2300, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. Section 34A.6A, Code 1995, is amended
 6 to read as follows:

7 34A.6A ALTERNATIVE SURCHARGE.

8 1. Notwithstanding section 34A.6, the board may
 9 request imposition of a surcharge in an amount up to
 10 two dollars and fifty cents per month on each
 11 telephone access line. The board shall submit the
 12 question of the surcharge to voters in the same manner
 13 as provided in section 34A.6. If approved, the
 14 surcharge may be collected for a period of no more
 15 than twenty-four months unless the period is extended
 16 as provided in subsection 2. At the end of the
 17 twenty-four-month period, the rate of the surcharge
 18 shall revert to one dollar per month, per access line.

19 2. Notwithstanding the twenty-four-month
 20 limitation imposed by the voters in subsection 1, at
 21 the end of the initial period during which a surcharge
 22 of two dollars and fifty cents per month per access
 23 line is imposed, the board, upon a determination that
 24 insufficient funds are available to the board to
 25 complete the E911 service plan or to repair vandalism
 26 caused by damage or destruction of E911 signs, may
 27 extend the period during which the two dollar and
 28 fifty cent surcharge is to be imposed by a period of
 29 no more that twelve additional months. The board
 30 shall only extend such period after conducting a
 31 public hearing to allow for public comment on such
 32 action."

33 2. Page 1, line 4, by striking the word "signage"

- 34 and inserting the following: "sign".
 35 3. Page 1, line 5, by striking the word
 36 "residence" and inserting the following: "residence,
 37 business,".
 38 4. Page 1, line 7, by inserting after the word
 39 "misdemeanor." the following: "Each violation of this
 40 section constitutes a separate offense."
 41 5. Title page, line 1, by inserting after the
 42 word "to" the following: "the extension of time
 43 during which an alternative surcharge may be imposed
 44 for E911 and".
 45 6. By renumbering as necessary.

GREINER of Washington

H-5610

- 1 Amend Senate File 2366, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, by striking line 21.

GIPP of Winneshiek

H-5611

- 1 Amend Senate File 2406, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 28, by striking the word
 4 "person," and inserting the following: "person".
 5 2. Page 4, line 29, by inserting after the word
 6 "custodian," the following: "or person standing in
 7 loco parentis".
 8 3. Page 5, by inserting after line 27 the
 9 following:
 10 "Sec. ____ Section 710.8, subsection 1, paragraph
 11 c, Code 1995, is amended to read as follows:
 12 c. "Runaway child" means a person under eighteen
 13 years of age who is voluntarily absent from the
 14 person's home without the consent of the person's
 15 parent, guardian, or legal or actual custodian, or of
 16 the person standing in loco parentis."
 17 4. Page 6, line 4, by inserting after the word
 18 "custodian" the following: ", or person standing in
 19 loco parentis,".

KREIMAN of Davis
 GRUBBS of Scott

H-5612

- 1 Amend Senate File 2409, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, line 18, by inserting after the word
 4 "department" the following: "related to workforce
 5 development".

- 6 2. Page 9, line 21, by striking the words "or
7 contracts administered".
- 8 3. Page 9, line 30, by inserting after the word
9 "rules" the following: "related to workforce
10 development".
- 11 4. Page 9, line 31, by striking the words "or
12 administrators of divisions".

NELSON of Marshall

H-5620

- 1 Amend the amendment, H-5478, to Senate File 2442,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 9, by inserting after line 30 the
5 following:
- 6 "_. Page 43, by inserting after line 21 the
7 following:
- 8 "Sec. ____ Section 235A.15, subsection 2,
9 paragraph e, Code Supplement 1995, is amended by
10 adding the following new subparagraph:
- 11 NEW SUBPARAGRAPH. (15) To employees of the
12 department of human services as necessary to perform
13 child abuse-child care registry duties under chapter
14 235D.
- 15 Sec. ____ Section 235A.17, Code 1995, is amended
16 by adding the following new subsection:
- 17 NEW SUBSECTION. 3. An employee of the department
18 of human services authorized to receive child abuse
19 information for purposes of the child abuse-child care
20 registry pursuant to section 235A.15, subsection 2,
21 paragraph "e", subparagraph (15) may disseminate the
22 information in accordance with the provisions of
23 chapter 235D.
- 24 Sec. ____ NEW SECTION. 235D.1 DEFINITIONS.
25 As used in this chapter, unless the context
26 otherwise requires:
- 27 1. "Central child abuse registry" or "central
28 registry" means the central child abuse registry
29 created in chapter 235A.
- 30 2. "Child abuse-child care registry" means the
31 central child abuse-child care registry created by the
32 department pursuant to section 235D.9.
- 33 3. "Child day care" means the same as defined in
34 section 237A.1.
- 35 4. "Department" means the department of human
36 services.
- 37 5. "Founded child abuse report" means a child
38 abuse report determined by the department to be child
39 abuse and placed in the central child abuse registry
40 as founded child abuse.
- 41 Sec. ____ NEW SECTION. 235D.2 PERSONS REQUIRED
42 TO REGISTER.

- 43 1. A person who provides child day care and who is
 44 named as having abused a child in a founded child
 45 abuse report, which is placed in the central registry
 46 on or after July 1, 1996, shall register as provided
 47 in this chapter for a period of time equivalent to the
 48 period of time the report is maintained on the central
 49 child abuse registry.
 50 2. The registration requirements of this section

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- 1 do not apply to any of the following:
 2 a. A person for whom the department has performed
 3 an evaluation pursuant to section 237A.5, subsection
 4 2, and has permitted the person to be licensed,
 5 registered, employed, or to reside in a child day care
 6 facility, if the person complies with the department's
 7 conditions established in section 237A.5, subsection
 8 2, paragraph "c".
 9 b. A person who was named as having abused a child
 10 in a founded child abuse report in which the
 11 information concerning the person was determined to be
 12 unfounded and was corrected or eliminated pursuant to
 13 section 235A.19, subsection 5.

14 Sec. . NEW SECTION. 235D.3 REGISTRATION
 15 PROCESS.

16 All of the following applies to a person who is
 17 required to register with the department, pursuant to
 18 section 235D.2:

- 19 1. The person shall register with the child abuse-
 20 child care registry prior to providing child day care.
 21 However, if the person is providing child day care at
 22 the time the founded child abuse report is entered in
 23 the central registry, the person shall register within
 24 ten days of the date the person is notified of the
 25 duty to register under section 235D.5.
 26 2. Within ten days of changing residence within
 27 this state, notify the child abuse-child care registry
 28 of the change of address and any changes in the
 29 person's telephone number. The notification shall be
 30 in writing on a form provided by the department.
 31 3. Within ten days of changing residence to a
 32 location outside of this state, the person shall
 33 notify the child abuse-child care registry of the new
 34 residence address, and any changes in telephone
 35 number. If the person is required to register under
 36 the laws of the other state, the person shall register
 37 in the other state.

38 Sec. . NEW SECTION. 235D.4 REGISTRATION
 39 RENEWAL.

40 A person required to register with the department
 41 pursuant to section 235D.2 shall annually renew the
 42 person's registration and verify the person's address

43 using a renewal form developed by the department. The
44 person shall renew the registration in the month in
45 which the person was initially required to register.
46 The renewal form shall be signed by the person.
47 Sec. ____ NEW SECTION. 235D.5 DUTY TO FACILITATE
48 REGISTRATION.
49 If a founded child abuse report is entered in the
50 central registry on or after July 1, 1996, which would

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1 cause a person to be required to register with the
2 department pursuant to section 235D.2, the department
3 shall do the following at the time a founded child
4 abuse report is entered in the central registry:
5 1. Inform the person of the duty to register.
6 2. Inform the person of the person's duty to
7 notify the child abuse-child care registry within ten
8 days of changing residence within this state.
9 3. Inform the person of the person's duty to
10 notify the child abuse-child care registry within ten
11 days of changing residence to a location outside this
12 state, and inform the person that, if the other state
13 has a registration requirement, the person is also
14 required to register in the new state of residence.
15 4. Require the person to read and sign a form
16 stating that the duty of the person to register under
17 this chapter has been explained. If the person cannot
18 read, is unable to write, or refuses to cooperate, the
19 duty and the form shall be explained orally and a
20 written record maintained by the person explaining the
21 duty and the form.
22 Sec. ____ NEW SECTION. 235D.6 REGISTRATION FEES
23 FOR OFFENDERS.
24 At the time of filing an initial registration, or a
25 renewal of registration with the department, a person
26 who is required to register pursuant to section 235D.2
27 shall pay an annual fee of one hundred twenty-five
28 dollars to the department. If, at the time of
29 registration, the person who is required to register
30 is unable to pay the fee, the department may allow the
31 person time to pay the fee, permit the payment of the
32 fee in installments, or waive payment of the fee for
33 good cause. Fees paid to the department shall be used
34 to defray the costs of duties related to the
35 registration of persons under this chapter.
36 Sec. ____ NEW SECTION. 235D.7 FAILURE TO COMPLY
37 - PENALTY.
38 A person who willfully fails to register as
39 required under this chapter commits a serious
40 misdemeanor for a first offense and an aggravated
41 misdemeanor for a second or subsequent offense.
42 However, a person who willfully fails to register as

43 required under this chapter and who, during the period
44 in which the person has willfully failed to register,
45 commits a criminal offense against a child under
46 chapter 709, 709A, 710, 725, 726, or 728, commits a
47 class "D" felony. The court shall not defer judgment
48 or sentence for any violation of the registration
49 requirements of this chapter.
50 Sec. ____ NEW SECTION. 235D.8 REGISTRATION AND

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1 DISCLOSURE PROCESS.

2 1. The department shall prepare registration
3 forms. The forms shall include the registrant's name,
4 social security number, current address, and, if
5 applicable, telephone number. In addition, the
6 registration form shall include the names, addresses,
7 and telephone numbers of the children for which the
8 registrant is providing child day care as well as this
9 information for the children's parent, guardian, or
10 custodian. The forms may provide for the reporting of
11 additional relevant information, including but not
12 limited to, residents in the household of the person
13 required to register, but shall not include
14 information identifying the victim of the child abuse
15 which the registrant was found to have committed.
16 Forms shall be available to any person upon request to
17 the department.

18 2. a. The department shall prepare disclosure
19 forms which shall be made available to a registrant.
20 The disclosure form shall provide for a written
21 acknowledgment by the parent or guardian of each child
22 for which the registrant provides child day care that
23 the registrant is required to register with the child
24 care-child abuse registry by reason of having been
25 named as having abused a child in a founded child
26 abuse report. The form shall also provide
27 instructions regarding the parent's, guardian's, or
28 custodian's access to information maintained in the
29 child abuse-child care registry.

30 b. The disclosure form shall be signed by the
31 parent or guardian of each child for which the
32 registrant provides child day care, acknowledging that
33 the parent or guardian has read the form. A
34 disclosure form shall be filed with the department for
35 each child in the registrant's child day care as part
36 of the registration requirements. The department
37 shall retain a disclosure form filed in accordance
38 with this paragraph for a period of three years.

39 Sec. ____ NEW SECTION. 235D.9 DEPARTMENT DUTIES
40 - REGISTRY.

41 The department shall perform all of the following
42 duties:

- 43 1. Develop and disseminate the standard forms for
 44 registering persons required to register pursuant to
 45 section 235D.2, and for understanding of registration
 46 requirements by the persons.
- 47 2. Maintain a central registry of information
 48 collected from persons required to register under this
 49 chapter, which shall be known as the child abuse-child
 50 care registry.

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- 1 3. Adopt rules under chapter 17A as necessary to
 2 do all of the following:
- 3 a. Ensure compliance with registration
 4 requirements of this chapter.
- 5 b. Provide guidelines for persons required to
 6 assist in obtaining registry information.
- 7 c. Provide a procedure for the dissemination of
 8 information contained in the child abuse-child care
 9 registry. The procedure for the dissemination of
 10 information shall include, but is not limited to,
 11 practical guidelines for use by agencies in
 12 determining when public release of information
 13 contained in the registry is appropriate and a
 14 requirement that if a member of the general public
 15 requests information regarding a specific individual
 16 in the manner provided in section 235D.11, the
 17 information shall be released. The department, in
 18 developing the procedure, shall consult with
 19 associations which represent the interests of law
 20 enforcement officers. Rules adopted shall also
 21 include a procedure for removal of information from
 22 the registry upon a determination that the information
 23 concerning the person in the founded child abuse
 24 report which caused the person to register under this
 25 chapter was unfounded and was corrected or eliminated
 26 pursuant to section 235A.19, subsection 5.
- 27 Sec. ____ NEW SECTION. 235D.10 CHILD ABUSE-CHILD
 28 CARE REGISTRY FUND.
- 29 A child abuse-child care registry fund is
 30 established as a separate fund within the state
 31 treasury under the control of the department. The
 32 fund shall consist of moneys received from fees
 33 received under section 235D.6 and other funds allo-
 34 cated for purposes of establishing and maintaining the
 35 child abuse-child care registry, conducting research
 36 and analysis related to child abuse-child care issues,
 37 and to perform other duties required under this
 38 chapter. Notwithstanding section 8.33, unencumbered
 39 or unobligated moneys and any interest remaining in
 40 the fund on June 30 of any fiscal year shall not
 41 revert to the general fund of the state, but shall
 42 remain available for expenditure in subsequent fiscal

43 years. Moneys in the fund are appropriated to the
 44 department to be used only for the purposes delineated
 45 in this section and are not subject to transfer
 46 pursuant to section 8.39.

47 Sec. ____ NEW SECTION. 235D.11 AVAILABILITY OF
 48 RECORDS.

49 Notwithstanding chapter 22, the confidentiality of
 50 information in the child abuse-child care registry

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1 shall be maintained except as specifically provided as
 2 follows:

3 1. As authorized in section 235A.15.

4 2. The department shall release information
 5 regarding a specific person who is required to
 6 register under this chapter to a member of the general
 7 public if the person requesting the information gives
 8 the person's name and address in writing, states the
 9 person's reason for requesting the information, and
 10 provides the department with the name and address of
 11 the person about whom the information is sought. The
 12 department shall maintain a record of persons
 13 requesting information from the registry. The
 14 confidentiality of the record of a person requesting
 15 information from the registry shall be maintained,
 16 unless the person requesting the information from the
 17 registry requests that the record of the information
 18 request be a public record.

19 3. Information shall not be released which would
 20 identify the victim's name or location in the founded
 21 child abuse report which is a part of the child abuse-
 22 child care registry record.

23 Sec. ____ NEW SECTION. 235D.12 COOPERATION WITH
 24 REGISTRATION.

25 Each agency of state and local government which
 26 possesses information relevant to requirements that a
 27 person register under this chapter shall provide that
 28 information to the department upon request. Any
 29 confidential record provided pursuant to this section
 30 shall only be released pursuant to section 235D.11.

31 Sec. ____ NEW SECTION. 235D.13 IMMUNITY FOR GOOD
 32 FAITH CONDUCT.

33 A person is immune from civil or criminal liability
 34 for acts or omissions arising from a good faith effort
 35 to comply with this chapter."

36 2. By renumbering as necessary.

CATALDO of Polk
 BODDICKER of Cedar
 HOUSER of Pottawattamie
 MORELAND of Wapello

H-5622

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:

3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause and inserting
5 the following:

6 "Section 1. PATIENT ACCESS TO TYPES OF PHYSICIANS
7 AND PROVIDERS UNDER MANAGED CARE HEALTH PLAN OR
8 INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK -
9 LEGISLATIVE STUDY.

10 1. The legislative council is requested to
11 establish an interim committee to conduct a study
12 relating to patient access to providers under managed
13 care plans or indemnity plans with limited provider
14 networks. The study shall address the following
15 issues:

16 a. The financial and organizational impact upon
17 managed care plans resulting from direct access to
18 each type of physician licensed under chapters 148,
19 150A, and 151, and to each type of medical provider
20 licensed pursuant to Title IV, subtitle 3.

21 b. The financial impact upon business
22 organizations who sponsor or participate in managed
23 care plans.

24 c. The financial impact upon subscribers or
25 members of managed care plans.

26 d. The impact upon administrators, organizers, and
27 third-party payers who participate in such plans.

28 e. Alternative reactions anticipated by business
29 organizations if health care costs increase as a
30 result of providing direct access to medical
31 providers, such as reduction of insurance coverages,
32 dropping retirees from coverage or limiting such
33 coverage, or encouraging more Medicare or medicaid
34 beneficiaries to join health maintenance
35 organizations.

36 f. The impact and effect of the federal Employee
37 Retirement Income Security Act upon insurance plans
38 and programs and the likelihood of businesses becoming
39 self-insured under the provisions of that Act and
40 thereby avoiding state legislative or regulatory
41 oversight.

42 g. The impact upon Medicare and medicaid
43 beneficiaries as well as persons who are subscribers
44 or members of public health coverage plans.

45 h. The feasibility of the commissioner of
46 insurance regulating organized delivery systems and
47 preferred provider organizations.

48 i. Such additional information and issues as
49 deemed appropriate by the legislative council.

50 2. Membership on the committee is requested to be

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- 1 composed of legislators representing both houses of
2 the general assembly and both political parties. The
3 legislative council shall contract with an independent
4 actuary or consulting firm to assist in completing the
5 study and shall provide funds to conduct the study
6 from moneys available to the legislative council
7 pursuant to section 2.12. In conducting the study,
8 the legislative council may appoint advisory members
9 from the business community, health care providers,
10 and the insurance industry to assist the committee or
11 may call upon representatives of these interests to
12 provide information to the committee.
- 13 3. The committee shall provide periodic reports as
14 deemed necessary by the council and submit a final
15 report and recommendations to the general assembly not
16 later than March 1, 1997."
- 17 __. Title page, line 1, by inserting after the
18 word "Act" the following: "establishing a study".
- 19 __. Title page, line 3, by striking the word
20 "physicians" and inserting the following:
21 "providers"."

JACOBS of Polk
METCALF of Polk
CARROLL of Poweshiek
CHURCHILL of Polk
HALVORSON of Clayton
GRUNDBERG of Polk

H-5624

- 1 Amend House File 2481 as follows:
2 1. Page 3, lines 20 and 21, by striking the words
3 and figure "with interest computed under section
4 422.25".

WARNSTADT of Woodbury

H-5631

- 1 Amend the amendment, H-5482, to Senate File 2446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 15, by inserting before line 20 the
5 following:
6 "Sec. __. NEW SECTION. 331.309 CONFINEMENT
7 FEEDING OPERATIONS - SITING ORDINANCE.
8 1. As used in this section:
9 a. "Animal feeding operation structure" means the
10 same as defined in section 455B.161.
11 b. "Animal weight capacity" means the same as
12 defined in section 455B.161.

13 c. "Confinement feeding operation" means the same
14 as defined in section 455B.161.

15 2. a. Notwithstanding section 335.2, a county may
16 adopt a confinement feeding operations siting
17 ordinance, pursuant to section 331.302. The purpose
18 of the ordinance shall be to approve the siting of a
19 confinement feeding operation regardless of whether
20 the county has adopted an ordinance under chapter 335
21 or regardless of the classification of the confinement
22 feeding operation. The ordinance shall provide
23 authority to a county to approve the site of the
24 construction or expansion of a confinement feeding
25 operation, including confinement feeding operation
26 buildings and related animal feeding operation
27 structures in order to preserve and protect natural
28 resources, including water sources and fragile
29 environmental locations; lessen congestion and
30 overcrowding of confinement feeding operations,
31 especially near cities; and to protect the health and
32 welfare of the public.

33 b. The ordinance shall provide for a method and
34 procedure required to approve the site. In
35 administering the ordinance, the county shall
36 establish a confinement feeding operations siting
37 commission which shall review each proposal for the
38 construction or expansion of a confinement feeding
39 operation, and recommend to the county board of
40 supervisors that the board approve or disapprove the
41 proposal. The board shall appoint five members of the
42 commission. Four members shall not reside in a city,
43 and one member shall reside in a city. At least three
44 members shall be or have been actively engaged in
45 animal agriculture. The commission shall make its
46 recommendation to the board within forty-five days
47 from the date that the board receives a complete
48 proposal. The board shall approve or disapprove a
49 proposal within forty-five days from the date that the
50 board receives the commission's recommendation.

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1 c. A confinement feeding operations siting
2 ordinance shall not apply to a confinement feeding
3 operation, if either of the following apply:

4 (1) Only bovine or poultry are confined in the
5 confinement feeding operation.

6 (2) The confinement feeding operation has an
7 animal weight capacity of less than three hundred
8 thousand pounds.

9 Sec. ____ Section 335.2, Code 1995, is amended to
10 read as follows:

11 335.2 FARMS AGRICULTURAL USES EXEMPT.

12 1. As used in this section:

13 a. "Animal feeding operation" means a lot, yard,
 14 corral, building, or other area in which animals are
 15 confined and fed and maintained for forty-five days or
 16 more in any twelve-month period, and all structures
 17 used for the storage of manure from animals in the
 18 operation. Two or more animal feeding operations
 19 under common ownership or management are deemed to be
 20 a single animal feeding operation if they are adjacent
 21 or utilize a common system for manure storage. An
 22 animal feeding operation does not include a livestock
 23 market.

24 b. "Agricultural purpose" means any use connected
 25 or related to farming.

26 c. "Farm animal feeding operation" means an animal
 27 feeding operation other than an industrial feeding
 28 operation.

29 d. "Farming" means the same as defined in section
 30 9H.1.

31 e. "Industrial feeding operation structure" means
 32 an animal feeding operation structure as defined in
 33 section 455B.161 which is part of an industrial
 34 feeding operation.

35 f. "Partially zoned county" means an unzoned
 36 county in which is established an agricultural area
 37 pursuant to section 352.6 or an area subject to zoning
 38 pursuant to this chapter, if the county has not
 39 adopted countywide zoning pursuant to chapter 335.

40 g. "Production inputs" means feed, supplies, and
 41 veterinary medicine used to feed or breed livestock,
 42 but does not include labor, construction materials,
 43 equipment, or tools.

44 h. "Unzoned county" means a county which has not
 45 adopted zoning pursuant to this chapter, if no part of
 46 the county is subject to partial zoning.

47 i. "Zoned county" means a county which has adopted
 48 zoning on a countywide basis as provided in this
 49 chapter.

50 2. As used in this section, "industrial feeding

Page 3

1 operation" means an animal feeding operation, if the
 2 operation contains six hundred twenty-five thousand or
 3 more pounds animal weight capacity for all animal
 4 species other than beef cattle, or one million six
 5 hundred thousand or more pounds animal weight capacity
 6 for beef cattle, or fails to meet one of the following
 7 criteria:

8 a. The owner of the agricultural land where an
 9 animal feeding operation is located is qualified to
 10 file for a homestead tax credit as provided pursuant
 11 to section 425.2 or a family farm tax credit as
 12 provided in section 425A.4 in the county where the

13 agricultural land is located. However, if the owner
 14 of the agricultural land is a business entity all of
 15 the following apply:

16 (1) One of the following persons must be eligible
 17 to file:

18 (a) If the person is filing for a homestead tax
 19 credit, one of the following persons must be eligible
 20 to file:

21 (i) If the owner is a corporation, the majority
 22 shareholder of the corporation.

23 (ii) If the owner is a partnership, any partner.

24 (iii) If the owner is a limited liability company,
 25 the person holding the greatest membership interest in
 26 the limited liability company.

27 (iv) If the owner is a limited partnership, the
 28 person contributing the most value to the limited
 29 partnership.

30 (v) If the owner is a trust, the beneficiary
 31 having the greatest interest in the trust.

32 (b) If the person is filing for a family farm tax
 33 credit one of the following persons must be eligible
 34 to file:

35 (i) If the owner is a corporation, the majority
 36 shareholder of the corporation.

37 (ii) If the owner is a partnership, any partner.

38 b. At least forty percent of the interest in the
 39 business entity must be held by persons related to
 40 each other as spouse, parent, grandparent, lineal
 41 ascendants of grandparents or their spouses, or lineal
 42 descendants of the grandparents or their spouses, or
 43 persons acting in a fiduciary capacity to persons so
 44 related.

45 c. More than fifty percent of the production
 46 inputs used to maintain livestock on the agricultural
 47 land are purchased within sixty miles from the borders
 48 of the agricultural land where the livestock operation
 49 is located.

50 d. The operation cannot have benefited from any of

Page 4

1 the following:

2 (1) The job training partnership program and other
 3 programs administered under section 15.108.

4 (2) The community economic betterment program
 5 created in sections 15.315 through 15.320.

6 (3) The self-employment loan program created in
 7 section 15.241.

8 (4) The targeted small business financial
 9 assistance program created in section 15.247.

10 (5) An agreement for a supplemental new jobs tax
 11 credit as provided in section 15.331.

12 (6) The industrial new jobs training program as

13 provided in chapter 260E.

14 (7) The small business new jobs training program
 15 as provided in chapter 260F.

16 (8) An economic development area established
 17 pursuant to chapter 403.

18 For purposes of reimbursing a county that has
 19 acquired real estate containing an industrial feeding
 20 operation structure following nonpayment of taxes
 21 pursuant to section 446.19, all shareholders of any
 22 corporation, partners of a partnership, members of a
 23 limited liability company, limited partners of any
 24 limited partnership, or beneficiaries of any trust
 25 shall be liable for the entire costs of remediating
 26 the site, as if they owned the industrial feeding
 27 operation personally, regardless of the amount of
 28 interest that is held in the entity.

29 3. Except to the extent required to implement
 30 section 335.27, no An ordinance adopted under this
 31 chapter applies shall apply to land, farm including
 32 houses, farm barns, farm outbuildings or other
 33 buildings or structures located on the land, which are
 34 is primarily adapted, by reason of nature and area,
 35 for use for an agricultural purposes purpose, while so
 36 used, only as provided in this section. However, the
 37 ordinances may apply to any The ordinance shall not
 38 apply to the land, unless an industrial feeding
 39 operation is located on the land. If an industrial
 40 feeding operation is located on the land, the
 41 ordinance shall only apply to the site of the
 42 industrial feeding operation as provided in this
 43 section and not land where other farming operations
 44 occur. The following shall apply to the site of a
 45 farm animal feeding operation constructed on or after
 46 the effective date of this Act, regardless of whether
 47 the county has adopted an ordinance under this
 48 chapter:

49 a. A farm animal feeding operation may be located
 50 anywhere in a county other than within the corporate

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1 limits of a city. A farm animal feeding operation may
 2 be located in an unzoned, partially zoned, or zoned
 3 county. An ordinance adopted under this chapter shall
 4 not apply to the farm animal feeding operation.

5 b. An industrial feeding operation shall not be
 6 located within the corporate limits of a city. An
 7 industrial feeding operation shall not be located in
 8 an unzoned county, the unzoned portion of a partially
 9 zoned county, or an agricultural area within a
 10 partially zoned county.

11 4. This section shall not apply to either of the
 12 following:

13 a. An ordinance required to implement an
 14 agricultural land preservation ordinance, as provided
 15 in section 335.27.

16 b. A structure, building, dam, obstruction,
 17 deposit or excavation in or on the flood plains of any
 18 a river or stream.

19 Sec. ____ Section 455B.173, subsection 13, Code
 20 Supplement 1995, is amended to read as follows:

21 13. a. Adopt, modify, or repeal rules relating to
 22 the construction, including the expansion, of animal
 23 feeding operations, or the operation of animal feeding
 24 operations. The rules shall include, but are not
 25 limited to, minimum manure control requirements,
 26 requirements for obtaining permits, and departmental
 27 evaluations of animal feeding operations. The
 28 department shall not require that a person obtain a
 29 permit for the construction of an animal feeding
 30 operation structure, if A person must obtain a
 31 construction permit to construct an animal feeding
 32 operation structure which is part of or connected to a
 33 confinement feeding operation, unless the structure is
 34 part of a small animal feeding operation. However,
 35 unless otherwise required by departmental rule, this
 36 paragraph does not require a person to obtain a
 37 construction permit to construct an animal feeding
 38 operation structure which is part of or connected to
 39 and used exclusively by a confinement feeding
 40 operation in which only bovine or avian animals are
 41 confined.

42 b. The department shall collect an indemnity fee
 43 as provided in section 204.3 prior to the issuance of
 44 a construction permit. The department shall deposit
 45 indemnity fees in the manure storage indemnity fund
 46 created in section 204.2.

47 c. The department shall not approve a permit for
 48 the construction of three or more animal feeding
 49 operation structures unless the applicant files a
 50 statement approved by a professional engineer

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1 registered pursuant to chapter 542B certifying that
 2 the construction of the animal feeding operation
 3 structure will not impede the drainage through
 4 established drainage tile lines which cross property
 5 boundary lines unless measures are taken to
 6 reestablish the drainage prior to completion of
 7 construction. ~~The department shall deposit moneys~~
 8 ~~collected in indemnity fees in the manure storage~~
 9 ~~indemnity fund created in section 204.2.~~

10 d. The department shall issue a permit for an
 11 animal feeding operation, if an application is
 12 submitted according to procedures required by the

13 department, and the application meets standards
14 established by the department, regardless of whether
15 the animal feeding operation is required to obtain
16 such a permit. An applicant for a construction permit
17 shall not begin construction at the location of a site
18 planned for the construction of an animal feeding
19 operation structure, until the person has been granted
20 a permit for the construction of the structure by the
21 department. The department shall make a determination
22 regarding the approval or denial of a permit within
23 sixty days from the date that the department receives
24 a completed application for a permit. However, the
25 sixty-day requirement shall not apply to an
26 application, if the applicant is not required to
27 obtain a permit in order to construct an animal
28 feeding operation structure or to operate an animal
29 feeding operation. The department shall deliver a
30 copy or require the applicant to deliver a copy of the
31 application for a construction permit to the county
32 board of supervisors in the county where the
33 confinement feeding operation or confinement feeding
34 operation structure subject to the permit is to be
35 located. The department shall not approve the
36 application or issue a construction permit until
37 thirty days following delivery of the application to
38 the county board of supervisors. The department shall
39 consider comments from the county board of
40 supervisors, regarding compliance by the applicant
41 with the legal requirements for the construction of
42 the confinement feeding operation structure as
43 provided in this chapter, and rules adopted by the
44 department pursuant to this chapter, if the comments
45 are delivered to the department within fourteen days
46 after receipt of the application by the county board
47 of supervisors. Prior to granting a permit to a
48 person for the construction of an animal feeding
49 operation, the department may require the installation
50 and operation of a hydrological monitoring system for

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1 an exclusively earthen manure storage structure, if,
2 after an on-site inspection, the department determines
3 that the site presents an extraordinary potential for
4 groundwater pollution.
5 e. A person shall not obtain a permit for the
6 construction of a confinement feeding operation,
7 unless the person develops a manure management plan as
8 provided in section 455B.203.
9 f. The department shall not issue a permit to a
10 person under this subsection if an enforcement action
11 by the department, relating to a violation of this
12 chapter concerning a confinement feeding operation in

13 which the person has an interest, is pending. The
 14 department shall not issue a permit to a person under
 15 this subsection for five years after the date of the
 16 last violation committed by a person or confinement
 17 feeding operation in which the person holds a
 18 controlling interest during which the person or
 19 operation was classified as a habitual violator under
 20 section 455B.191. The department shall conduct an
 21 annual review of each confinement feeding operation
 22 which is a habitual violator and each confinement
 23 feeding operation in which a habitual violator holds a
 24 controlling interest. The department shall notify
 25 persons classified as habitual violators of their
 26 classification, additional restrictions imposed upon
 27 the persons pursuant to the classification, and
 28 special civil penalties that may be imposed upon the
 29 persons. The notice shall be sent to the persons by
 30 certified mail."

31 2. Page 15, by striking lines 26 through 28.

32 3. By renumbering as necessary.

WEIGEL of Chickasaw

H-5632

1 Amend the amendment, H-5482, to Senate File 2446,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 15, by inserting before line 20 the
 5 following:

6 "Sec. ____ Section 465A.1, unnumbered paragraph 2,
 7 Code 1995, is amended by striking the unnumbered
 8 paragraph."

9 2. By renumbering as necessary.

GREIG of Emmet

H-5635

1 Amend the amendment, H-5541, to Senate File 2448,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 20, by inserting after line 20 the
 5 following:

6 "Sec. ____ Section 68B.35, subsection 2, paragraph
 7 e, Code 1995, is amended to read as follows:

8 e. Members of the banking board, the ethics and
 9 campaign disclosure board, the credit union review
 10 board, the economic development board, the employment
 11 appeal board, the environmental protection commission,
 12 ~~the health facilities council~~, the Iowa business
 13 investment corporation board of directors, the Iowa
 14 finance authority, the Iowa seed capital corporation,
 15 the Iowa public employees' retirement system
 16 investment board, the lottery board, the natural

17 resource commission, the board of parole, the
 18 petroleum underground storage tank fund board, the
 19 public employment relations board, the state racing
 20 and gaming commission, the state board of regents, the
 21 tax review board, the transportation commission, the
 22 office of consumer advocate, the utilities board, and
 23 any full-time members of other boards and commissions
 24 as defined under section 7E.4 who receive an annual
 25 salary for their service on the board or commission.

26 Sec. ____ Section 97B.41, subsection 8, paragraph
 27 b, subparagraph (13), Code Supplement 1995, is amended
 28 to read as follows:

29 (13) Members of the state transportation
 30 commission, and the board of parole, ~~and the state~~
 31 ~~health facilities council~~ unless a member elects by
 32 filing an application with the department to be
 33 covered under this chapter.”

34 2. Page 21, by inserting after line 15 the
 35 following:

36 “Sec. ____ Section 135C.2, subsection 5,
 37 unnumbered paragraph 1, Code Supplement 1995, is
 38 amended to read as follows:

39 The department shall establish a special
 40 classification within the residential care facility
 41 category in order to foster the development of
 42 residential care facilities which serve persons with
 43 mental retardation, chronic mental illness, a
 44 developmental disability, or brain injury, as
 45 described under section 225C.26, and which contain
 46 five or fewer residents. ~~A facility within the~~
 47 ~~special classification established pursuant to this~~
 48 ~~subsection is exempt from the requirements of section~~
 49 ~~135.63.~~ The department shall adopt rules which are
 50 consistent with rules previously developed for the

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1 waiver demonstration project pursuant to 1986 Iowa
 2 Acts, chapter 1246, section 206, and which include all
 3 of the following provisions:

4 Sec. ____ Section 135H.6, subsection 4, Code 1995,
 5 is amended by striking the subsection.

6 Sec. ____ Section 145.3, subsection 1, Code 1995,
 7 is amended to read as follows:

8 1. The health data commission shall enter into an
 9 agreement with the health policy corporation of Iowa
 10 or any other corporation, association, or entity it
 11 deems appropriate to provide staff for the commission,
 12 to provide staff for the compilation, correlation, and
 13 development of the data collected by the commission,
 14 to conduct or contract for studies on health-related
 15 questions which will further the purpose and intent
 16 expressed in section 145.1, ~~and to provide data to the~~

17 health facilities council as requested by the Iowa
 18 department of public health. The agreement may
 19 provide for the corporation, association, or entity to
 20 prepare and distribute or make available data to
 21 health care providers, health care subscribers, third-
 22 party payers, and the general public."

23 3. Page 21, by inserting after line 47 the
 24 following:

25 "Sec. ____ Section 231B.2, subsection 1, Code
 26 1995, is amended to read as follows:

27 1. The department shall establish by rule in
 28 accordance with chapter 17A a special classification
 29 for elder group homes. ~~An elder group home~~
 30 ~~established pursuant to this subsection is exempt from~~
 31 ~~the requirements of section 135.63."~~

32 4. Page 22, by inserting after line 27 the
 33 following:

34 "Sec. ____ Sections 135.61, 135.62, and 135.64
 35 through 135.83, Code 1995, are repealed.

36 Sec. ____ Section 135.63, Code Supplement 1995, is
 37 repealed."

38 5. By renumbering as necessary.

EDDIE of Buena Vista
 HUSEMAN of Cherokee
 MERTZ of Kossuth
 KLEMME of Plymouth

H-5638

1 Amend House File 2304 as follows:

2 1. Page 1, line 11, by inserting after the figure
 3 "359.14" the following: "except that the maintenance
 4 and repair of all cemeteries under the jurisdiction of
 5 the county including pioneer cemeteries shall be paid
 6 from the county general fund".

7 2. Page 1, by striking lines 22 through 24 and
 8 inserting the following: "359.41 to the cemetery
 9 commission except that the expenses of the cemetery
 10 commission shall be paid from the county general
 11 fund."

12 3. Page 1, by inserting before line 25 the
 13 following:

14 "Sec. ____ NEW SECTION. 331.424A CEMETERY LEVY.

15 The board may levy annually a tax not to exceed six
 16 and three-fourths cents per thousand dollars of the
 17 assessed value of all taxable property in the county,
 18 except the taxable property within a city which levies
 19 a tax to repair and maintain cemeteries, to repair and
 20 maintain all cemeteries under the jurisdiction of the
 21 board including pioneer cemeteries and to pay other
 22 expenses of the board or the cemetery commission as
 23 provided in section 331.325. The proceeds of the tax
 24 levy shall be credited to the county general fund.

25 Section 444.25A does not apply to the property tax
26 levied or expended for cemeteries pursuant to this
27 section and section 331.325."

28 4. Page 2, by striking lines 2 through 4.

29 5. Title page, line 2, by inserting after the
30 word "cemeteries" the following: "and authorizing a
31 tax levy".

BRAUNS of Muscatine

H-5642

1 Amend Senate File 2012, as amended, passed, and
2 reprinted, by the Senate, as follows:

3 1. Page 1, line 18, by striking the word "twenty"
4 and inserting the following: "thirty".

5 2. Page 2, line 26, by striking the word "twenty"
6 and inserting the following: "thirty".

JACOBS of Polk

H-5648

1 Amend the amendment, H-5482, to Senate File 2446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 14, by inserting after line 41 the
5 following:

6 "Sec. 100. TRANSFER OF INTERNATIONAL MARKETING
7 UNIT OF AGRICULTURAL MARKETING DIVISION.

8 Notwithstanding the provisions in 1995 Iowa Acts,
9 chapter 204, section 1, subsection 4, paragraph "a",
10 there is appropriated an additional amount to the
11 international division of the department of economic
12 development for international trade operations, and
13 for not more than the following additional full-time
14 equivalent positions:

15	\$	100,000
16	FTEs	2.00

17 Notwithstanding section 8.33, moneys appropriated
18 by this section to the department of economic
19 development that remain unexpended at the end of the
20 fiscal year shall not revert but shall be available
21 for expenditure for authorized purposes during the
22 succeeding fiscal year.

23 Notwithstanding the provisions in 1995 Iowa Acts,
24 chapter 216, section 1, subsection 1, paragraph "a",
25 the amount appropriated or authorized to the
26 administrative division of the department of
27 agriculture and land stewardship for the international
28 marketing unit of the agricultural marketing division,
29 as provided in 21 IAC 1.3(1)"d", is reduced by
30 \$100,000.

31 The department of economic development shall to
32 every extent possible provide the employees of the

- 33 international marketing unit of the department of
 34 agriculture and land stewardship with the opportunity
 35 to secure a comparable position within the
 36 international division of the department of economic
 37 development. The department of economic development
 38 shall assume responsibility for international
 39 marketing of agricultural commodities and products and
 40 for participation in international organizations
 41 relating to the international marketing of
 42 agricultural commodities and products.”
 43 2. Page 15, line 23, by striking the word and
 44 figures “21, and 33” and inserting the following:
 45 “21, 33, and 100”.
 46 3. By renumbering as necessary.

HAHN of Muscatine

H-5664

- 1 Amend the amendment, H-5638, to House File 2304 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 “_ Page 1, line 6, by striking the word
 6 “shall” and inserting the following: “may”.”
 7 2. By renumbering as necessary.

BRAUNS of Muscatine

H-5665

- 1 Amend Senate File 2399, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 1, by inserting after the figure
 4 “6,” the following: “7,”.
 5 2. Page 1, line 7, by striking the words
 6 “seventy-two” and inserting the following: “seventy-
 7 two ~~twenty-four~~”.
 8 3. Page 1, by inserting after line 33 the
 9 following:
 10 “7. Notwithstanding contrary provisions of
 11 sections 235A.13 to 235A.23, the following
 12 requirements shall apply to child abuse information in
 13 an assessment performed in accordance with this
 14 section:
 15 a. ~~If the department determines the child suffered~~
 16 ~~significant injury or was placed in great risk of~~
 17 ~~injury, the name of the child and the alleged~~
 18 ~~perpetrator of the child abuse shall be placed in the~~
 19 ~~central registry as a case of founded child abuse.~~
 20 ~~Any of the following shall be considered to be an~~
 21 ~~indicator that the child suffered significant injury~~
 22 ~~or was placed in great risk of injury:~~
 23 (1) ~~The case was referred for juvenile or criminal~~
 24 ~~court action as a result of the acts or omissions of~~

25 the alleged perpetrator.

26 (2) ~~In the opinion of a health practitioner or~~
 27 ~~mental health professional, the injury to the child as~~
 28 ~~a result of the acts or omission of the alleged~~
 29 ~~perpetrator required or should have required medical~~
 30 ~~or mental health treatment.~~

31 ~~(3) The department determines in a subsequent~~
 32 ~~assessment that the child suffered significant injury~~
 33 ~~or was placed in great risk of injury due to the acts~~
 34 ~~or omissions of the same alleged perpetrator.~~

35 a. If the department determines the child abuse
 36 report involved the parent or guardian of the child in
 37 a minor, isolated incident or condition which could
 38 occur in almost any family, or the occurrence of the
 39 omission was so remote in time that no current
 40 protective concerns are present for any child
 41 encountered by the department at the time of
 42 performing the assessment, the child abuse information
 43 in the assessment shall not be placed in the central
 44 child abuse registry. Notwithstanding chapter 22, the
 45 confidentiality of the child abuse information shall
 46 be maintained.

47 b. In any other case, the child abuse information
 48 in an assessment shall not be placed in the central
 49 registry and notwithstanding chapter 22, the
 50 confidentiality of the information shall be maintained

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1 as a case of founded child abuse.

2 c. If information is placed in the central
 3 registry as a case of founded child abuse, all of the
 4 provisions of sections 235A.13 to 235A.23 which apply
 5 to a case of founded child abuse shall apply to a case
 6 of founded child abuse under this section."

KREIMAN of Davis

H-5666

1 Amend Senate File 2406, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, line 7, by striking the word "school,"
 4 and inserting the following: "school, including a
 5 person who has been expelled from school by the board
 6 of directors of a school district or the authorities
 7 in charge of an accredited nonpublic school."

8 2. Page 3, by inserting after line 18 the
 9 following: "The board of directors of a school
 10 district and the authorities in charge of an
 11 accredited nonpublic school shall submit to the state
 12 department of transportation the names of students
 13 expelled from school in the district or from a
 14 nonpublic school."

- 15 3. Page 4, line 13, by striking the words "is
16 under the age of twelve and".
- 17 4. Page 4, line 15, by inserting after the word
18 "failed" the following: "to take reasonable
19 measures".
- 20 5. Page 4, line 19, by inserting after the word
21 "failed" the following: "to take reasonable
22 measures".
- 23 6. Page 4, lines 21 and 22, by striking the words
24 ", for each violation established".
- 25 7. Page 4, line 23, by striking the word "Funds"
26 and inserting the following: "Fifty percent of the
27 funds".
- 28 8. Page 4, line 25, by inserting after the word
29 "action" the following: "and the other fifty percent
30 shall be paid to the board of directors of the child's
31 school district of residence to be used for purposes
32 of dropout prevention programs".
- 33 9. Page 6, by inserting after line 26 the
34 following:
35 "In lieu of the civil penalty or fine provided for
36 under this subsection, the court may order the person
37 to perform unpaid community service."
38 10. By renumbering as necessary.

KREIMAN of Davis

H-5671

- 1 Amend the amendment, H-5102, to House File 2298, as
2 follows:
- 3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 135.1, subsection 4, Code
6 Supplement 1995, is amended to read as follows:
7 4. "Physician" means a person licensed to practice
8 medicine and surgery, osteopathic medicine and
9 surgery, osteopathy, chiropractic, or podiatry under
10 the laws of this state; but a person licensed as a
11 physician and surgeon shall be designated as a
12 "physician" or "surgeon", a person licensed as an
13 osteopathic physician and surgeon shall be designated
14 as an "osteopathic physician" or "osteopathic
15 surgeon", a person licensed as an osteopath shall be
16 designated as an "osteopathic physician", a person
17 licensed as a chiropractor shall be designated as a
18 "chiropractor", and a person licensed as a podiatrist
19 shall be designated as a "podiatric physician", and a
20 person licensed as an optometrist shall be designated
21 as an "optometrist"."
- 22 2. By renumbering as necessary.

JACOBS of Polk

H-5672

1 Amend the amendment, H-5102, to House File 2298, as
2 follows:

3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause and inserting
5 the following:

6 "Section 1. Section 135.1, subsection 4, Code
7 Supplement 1995, is amended to read as follows:
8 4. "Physician" means a person licensed to practice
9 medicine and surgery, osteopathic medicine and
10 surgery, osteopathy, chiropractic, or podiatry under
11 the laws of this state; but a person licensed as a
12 physician and surgeon shall be designated as a
13 "physician" or "surgeon", a person licensed as an
14 osteopathic physician and surgeon shall be designated
15 as an "osteopathic physician" or "osteopathic
16 surgeon", a person licensed as an osteopath shall be
17 designated as an "osteopathic physician", a person
18 licensed as a chiropractor shall be designated as a
19 "chiropractor", and a person licensed as a podiatrist
20 shall be designated as a "podiatric physician", and a
21 person licensed as an optometrist shall be designated
22 as an "optometrist".

23 Sec. 2. NEW SECTION. 514C.11 PATIENT ACCESS.
24 Notwithstanding section 514C.6, a managed care
25 health plan or indemnity plan with a limited provider
26 network may limit patient access to each type of
27 physician, as defined in section 135.1 and licensed
28 under chapter 148, 150A, or 151, based upon the needs
29 of the plan.

30 Access to a specialist may be conditioned upon a
31 referral by a provider licensed under chapter 148 or
32 150A."

JACOBS of Polk

H-5673

1 Amend the Senate amendment, H-5589, to House File
2 2416, as passed by the House, as follows:

3 1. Page 16, by inserting before line 47 the
4 following:

5 "Sec. 101. DEFINITIONS. As used in sections 101
6 through 104, unless the context otherwise requires:
7 1. "Extension service" means the Iowa cooperative
8 extension service in agriculture and home economics at
9 Iowa state university of science and technology.

10 2. "Director" means the study director appointed
11 by the director of the extension service.

12 Sec. 102. EXTENSION SERVICE STUDY - STUDY
13 COMPLETION.

14 1. The lottery commissioner shall contract with
15 the director of the extension service to conduct a

- 16 comprehensive study of gambling in the state.
17 Pursuant to the contract, the extension service shall
18 conduct a comprehensive legal and factual study of
19 gambling in this state and existing policies and
20 practices with respect to the legalization or
21 prohibition of gambling activities and formulate and
22 propose changes in those policies and practices as the
23 extension service deems appropriate. The extension
24 service may seek the cooperation of other states and
25 tribal councils in obtaining information regarding
26 gambling activities within those jurisdictions.
- 27 2. The study shall include, but is not limited to,
28 the following matters:
- 29 a. The economic impact of gambling on the state of
30 Iowa, political subdivisions of this state, and native
31 American tribes conducting gambling activities in this
32 state.
- 33 b. The economic impact of gambling on other
34 businesses.
- 35 c. An assessment and review of the political
36 contributions and influences of gambling businesses
37 and promoters on the development of public policy
38 regulating gambling.
- 39 d. An assessment of the relationship between
40 gambling and crime.
- 41 e. An assessment of the impact of pathological or
42 problem gambling on individuals, families, social
43 institutions, criminal activity, and the economy.
- 44 f. A review of the demographics of gamblers.
- 45 g. A review of the effectiveness of existing
46 practices in law enforcement, judicial administration,
47 and corrections to combat and deter illegal gambling
48 and illegal activities related to gambling.
- 49 h. A review of the costs and effectiveness of
50 state and federal gambling regulatory policy.

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- 1 i. Other relevant issues and topics as considered
2 appropriate by the extension service.
- 3 3. The extension service shall complete its study
4 and submit its final report to the governor and the
5 general assembly not later than January 31, 1998. The
6 final report shall contain a detailed statement of the
7 findings and conclusions of the extension service with
8 its recommendations for legislation and administrative
9 actions as the extension service deems appropriate.
- 10 Sec. 103. POWERS OF THE DIRECTOR.
- 11 1. The director may hold hearings, administer
12 oaths, take testimony, receive evidence, and require
13 by subpoena the attendance and testimony of witnesses
14 and the production of materials as the director
15 considers advisable to carry out the purposes of

16 sections 101 through 104.

17 A subpoena of the extension service shall be served
18 in the manner provided for a subpoena issued by a
19 district court under the Iowa rules of civil
20 procedure. A subpoena may be served anywhere in the
21 judicial district in which the person required to be
22 served resides or may be found. A subpoena shall
23 state the time and place a person is required to
24 appear, be signed by the director, and be attested to
25 by the director of the extension service.

26 2. Upon request of the director, the head of any
27 state agency shall furnish the director with the
28 information considered necessary by the director to
29 carry out the provisions of sections 101 through 104.

30 3. The director of the extension service shall
31 appoint and terminate the employment of a director of
32 the study and any additional personnel as may be
33 necessary to carry out the study.

34 Sec. 104. STUDY APPROPRIATION.

35 1. There is appropriated from the general fund of
36 the state to the department of revenue and finance the
37 sum of \$50,000, or so much thereof as is necessary, to
38 fund a comprehensive factual and legal study of
39 gambling in this state to be conducted by the Iowa
40 cooperative extension service in agriculture and home
41 economics as provided in section 101 through 104.

42 2. Notwithstanding section 8.33, all unobligated
43 and unencumbered moneys remaining on January 31, 1998,
44 from the appropriation made in subsection 1, shall
45 revert to the general fund of the state on April 1,
46 1998.

47 Sec. 105. EFFECTIVE DATE. This section and
48 sections 101 through 104, being deemed of immediate
49 importance, take effect upon enactment."

50 2. Page 23, by inserting after line 9 the

Page 3

1 following:

2 " . Title page, line 2, by inserting after the
3 word "entities," the following: "providing an
4 effective date,."

GARMAN of Story

H-5678

1 Amend Senate File 2301, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
4 "site" the following: "unless a written consent or
5 waiver, following full disclosure by the person, is
6 obtained from the owner or manager of the site".

7 2. Page 1, by striking line 27 and inserting the

8 following:

9 "4. A person shall not perform lead".

10 3. Page 1, lines 30 and 31, by striking the words
11 and figures "Beginning December 1, 1997, a" and
12 inserting the following: "A".

13 4. Page 2, line 19, by striking the words and
14 figures "by October 1, 1996,".

15 5. Page 2, line 22, by striking the following:
16 "no later than December 1, 1996".

17 6. Page 2, by inserting after line 25 the
18 following:

19 "Sec. ____ CONTINGENT EFFECTIVE DATE. This Act
20 takes effect only after the department obtains
21 certification from the United States environmental
22 protection agency to train and certify lead inspectors
23 and abaters."

24 7. Title page, line 2, by striking the words "and
25 providing penalties" and inserting the following:
26 "providing penalties, and providing a contingent
27 effective date".

RANTS of Woodbury

H-5682

1 Amend the amendment, H-5482, to Senate File 2446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 14, by inserting after line 41 the
5 following:

6 "Sec. 100. TRANSFER OF INTERNATIONAL MARKETING
7 UNIT OF AGRICULTURAL MARKETING DIVISION.

8 Notwithstanding the provisions in 1995 Iowa Acts,
9 chapter 216, section 1, subsection 1, paragraph "a",
10 the amount appropriated and number of full-time
11 equivalent positions authorized to the administrative
12 division of the department of agriculture and land
13 stewardship for the international marketing unit of
14 the agricultural marketing division, as provided in 21
15 IAC 1.3(1)"d", are reduced respectively by the amount
16 of the unencumbered and unobligated moneys remaining
17 within organization 1403 in the appropriation made by
18 1995 Iowa Acts, chapter 216, section 1, subsection 1,
19 paragraph "a", on the effective date of this section
20 and by 2.00 FTEs, which amount and position
21 authorization shall be transferred to the
22 international division of the department of economic
23 development for international trade operations.

24 Notwithstanding section 8.33, moneys transferred by
25 this section to the department of economic development
26 that remain unexpended at the end of the fiscal year
27 beginning July 1, 1995, and ending June 30, 1996,
28 shall not revert but shall be available for
29 expenditure for authorized purposes during the

30 succeeding fiscal year.

31 The department of economic development shall to
32 every extent possible provide the employees of the
33 international marketing unit of the department of
34 agriculture and land stewardship with the opportunity
35 to secure a comparable position within the
36 international division of the department of economic
37 development. The department of economic development
38 shall assume responsibility for international
39 marketing of agricultural commodities and products and
40 for participation in international organizations
41 relating to the international marketing of
42 agricultural commodities and products."

43 2. Page 15, line 23, by striking the word and
44 figures "21, and 33" and inserting the following:
45 "21, 33, and 100".

46 3. By renumbering as necessary.

HAHN of Muscatine

H-5683

1 Amend Senate File 2195, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. There is appropriated from the general
6 fund of the state to the Iowa communications network
7 fund created in section 8D.14 for the fiscal year
8 beginning July 1, 1996, and ending June 30, 1997, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 For debt service:

12 \$ 12,754,000

13 Upon the appropriation of the funds in this section
14 to the Iowa communications network fund, the Iowa
15 telecommunications and technology commission shall
16 immediately transfer \$12,754,000 of the appropriated
17 amount to a separate fund established in the office of
18 the treasurer of state, to be used solely for debt
19 service for the Iowa communications network. The
20 commission shall certify to the treasurer of state
21 when a debt service payment is due, and upon receipt
22 of the certification the treasurer shall make the
23 payment. The commission shall pay any additional
24 amount due from funds deposited in the Iowa
25 communications network fund.

26 Sec. 2. PART III RELATED APPROPRIATIONS.

27 1. PART III AUTHORIZED USERS.

28 a. There is appropriated from the rebuild Iowa
29 infrastructure fund of the state created in section
30 8.57, subsection 5, to the Iowa communications network
31 fund under the control of the Iowa telecommunications
32 and technology commission for the fiscal year

33 beginning July 1, 1996, and ending June 30, 1997, the
34 following amount, or so much thereof as is necessary,
35 to be used for the purpose designated:

36 For the connection of a minimum of 110 Part III
37 authorized users as determined by the commission and
38 communicated to the general assembly:

39 \$ 19,600,095

40 b. It is the intent of the general assembly that
41 the connection of the authorized user sites pursuant
42 to this subsection be awarded based upon the Part III
43 contracts executed in 1995.

44 c. Notwithstanding the fact that funds
45 appropriated pursuant to this subsection will not be
46 made available prior to July 1, 1996, the Iowa
47 telecommunications and technology commission is
48 authorized to negotiate and enter into contracts for
49 ordering necessary equipment related to the completion
50 of the connections authorized in paragraph "a" as

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1 deemed appropriate by the commission upon the
2 effective date of this paragraph.

3 2. PART III NETWORK COSTS – SUBSIDIZATION FUND.

4 There is appropriated from the general fund of the
5 state to the Iowa communications network fund created
6 in section 8D.14 for the fiscal year beginning July 1,
7 1996, and ending June 30, 1997, the following amount,
8 or so much thereof as is necessary, to be used for the
9 purposes designated in this subsection:

10 For the subsidization of video rates for authorized
11 users as determined by the commission and consistent
12 with chapter 8D:

13 \$ 2,400,000

14 FTEs 57.00

15 3. PART III NETWORK COSTS – MAINTENANCE AND LEASE
16 COSTS.

17 a. There is appropriated from the rebuild Iowa
18 infrastructure fund of the state created in section
19 8.57, subsection 5, to the Iowa communications network
20 fund under the control of the Iowa telecommunications
21 and technology commission for the fiscal year
22 beginning July 1, 1996, and ending June 30, 1997, the
23 following amount, or so much thereof as is necessary,
24 to be used for the purpose designated:

25 For maintenance costs and recurring lease costs as
26 provided in this subsection:

27 \$ 1,199,905

28 b. As a condition of the appropriation in this
29 subsection, \$209,298 of the amount appropriated shall
30 be expended by the Iowa telecommunications and
31 technology commission for maintenance costs associated
32 with Part III connections of the network.

33 c. As a further condition of the appropriation in
34 this subsection, \$990,607 of the amount appropriated
35 shall be expended by the Iowa telecommunications and
36 technology commission for recurring lease costs
37 associated with Part III connections of the network.

38 4. SUPPORT SERVICES. There is appropriated from
39 the general fund of the state to the Iowa
40 communications network fund created in section 8D.14
41 for the fiscal year beginning July 1, 1996, and ending
42 June 30, 1997, the following amount, or so much
43 thereof as is necessary, to be used for the purposes
44 designated:

45 For purposes designated in paragraphs "a" and "b",
46 and for not more than the following full-time
47 equivalent positions:

48	\$	1,475,000
49	FTEs	9.00

50 a. As a condition of the appropriation in this

Page 3

1 subsection, \$425,000 of the amount appropriated shall
2 be expended by the public broadcasting division of the
3 department of education to provide support for
4 functions related to the network, including but not
5 limited to the following functions: development of a
6 central information source on the Internet relating to
7 educational uses of the network; a spare parts depot;
8 and coordinating the work of the education
9 telecommunications council.

10 b. As a further condition of the appropriation in
11 this subsection, \$1,050,000 of the amount appropriated
12 shall be allocated by the public broadcasting division
13 of the department of education to the regional
14 telecommunications councils established in section
15 8D.5. The regional telecommunications councils shall
16 use the funds to provide technical assistance for
17 network classrooms, scheduling of video sites, and
18 other related support activities.

19 c. It is the intent of the general assembly that
20 the education telecommunications council and the
21 regional telecommunications councils give priority to
22 network video usage during the normal school hours for
23 grades prekindergarten through twelve at those video
24 sites which are located within school district
25 facilities. The commission, in consultation with the
26 education telecommunications council, shall establish
27 a policy for flexibility of use for educational video
28 classrooms during normal school hours for events
29 unrelated to network use.

30 Sec. 3. There is appropriated from the general
31 fund of the state to the state board of regents for
32 the fiscal year beginning July 1, 1996, and ending

33 June 30, 1997, the following amount, or so much
34 thereof as is necessary, to be used for the purpose
35 designated:

36 For the center for educational technology at the
37 university of northern Iowa to coordinate staff
38 development for educators using educational technology
39 in this state:

40 \$ 250,000

41 Sec. 4. STUDY. There is appropriated from the
42 general fund of the state to the Iowa communications
43 network fund created in section 8D.14 for the fiscal
44 year beginning July 1, 1996, and ending June 30, 1997,
45 the following amount, or so much thereof as is
46 necessary, to be used for the purpose designated:

47 For a study to be conducted by the commission
48 concerning the possibility of allowing Internet
49 service providers to petition the commission to
50 provide Internet service to authorized users in areas

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1 of the state where there is no local Internet service,
2 if permitting such Internet service providers to
3 provide such service will result in Internet service
4 being available to areas where the authorized user is
5 located, and other Internet related issues:

6 \$ 15,000

7 Sec. 5. LEGISLATIVE INTENT.

8 1. It is the intent of the general assembly that
9 the telecommunications advisory committee established
10 in section 8D.7 and the department of management
11 develop recommendations concerning the expenses which
12 should be recovered in the rates established by the
13 commission for use of the network, and any necessary
14 subsidies. The commission shall develop the
15 commission's budget recommendations for the fiscal
16 year beginning July 1, 1997, after consideration of
17 these recommendations.

18 It is also the intent of the general assembly that
19 the commission in its budget for fiscal years
20 beginning on or after July 1, 1997, not recommend that
21 any amounts for lease costs and maintenance costs be
22 appropriated from the rebuild Iowa infrastructure fund
23 of the state created in section 8.57, subsection 5.

24 2. It is also the intent of the general assembly
25 that the commission establish a waiver process for
26 site-based charges to permit an authorized user to
27 recover the authorized user's full cost of providing
28 the use of the authorized user's facility to another
29 person.

30 Sec. 6. CONTRACT MODIFICATION. Notwithstanding
31 section 8D.13, the commission is authorized to
32 negotiate a contract with Sooland Cable involving the

33 connection of five Part III sites, to provide for a
 34 lump-sum payment at the time of installation and
 35 activation of the circuit which will result in a real
 36 savings within a range of \$23,400 up to \$27,000 per
 37 site when compared to the original contract price.

38 Sec. 7. ADDITIONAL CONNECTIONS.

39 1. LEWIS CENTRAL HIGH SCHOOL. Notwithstanding
 40 section 8D.13, subsection 5, the state may own and the
 41 Iowa telecommunications and technology commission
 42 shall provide for the construction and connection to
 43 the Iowa communications network of the Lewis Central
 44 high school, located in Council Bluffs and contiguous
 45 to the school for the deaf established under chapter
 46 270.

47 2. ADDITIONS TO PART III. The Iowa
 48 telecommunications and technology commission may
 49 contract for construction relating to connections to
 50 the Iowa communications network for the following

Page 5

- 1 authorized users which were not identified in the
- 2 original Part III request for proposals, but which
- 3 meet the definition of a Part III user pursuant to
- 4 section 8D.13, subsection 2, paragraph "c":
 - 5 a. Wall LakeView middle school, Wall Lake.
 - 6 b. Meservey-Thornton community school district,
 - 7 Thornton.
 - 8 c. Eldora state training school, Eldora.
 - 9 d. Iowa juvenile home, Toledo.
 - 10 e. Any other public school district, identified by
 - 11 the commission, which does not have a connection to
 - 12 the network.

13 Sec. 8. EFFECTIVE DATE.

14 1. Section 2, subsection 1, paragraph "c", of this
 15 Act, which authorizes the Iowa telecommunications and
 16 technology commission to begin negotiations for
 17 ordering necessary equipment prior to the availability
 18 of funding, being deemed of immediate importance,
 19 takes effect upon enactment.

20 2. Section 7, subsection 1, of this Act, which
 21 authorizes the state to construct and own the Iowa
 22 communications network connection to Lewis Central
 23 high school, being deemed of immediate importance,
 24 takes effect upon enactment."

Committee on Appropriations

H-5685

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "151" the following: ", and to each pharmacist
- 4 licensed under chapter 155A".

- 5 2. Page 1, line 13, by inserting after the figure
 6 "151" the following: ", or by a pharmacist licensed
 7 under chapter 155A".
 8 3. Page 2, line 7, by inserting after the figure
 9 "151" the following: ", and a pharmacist licensed
 10 under chapter 155A".

METCALF of Polk

H-5686

- 1 Amend House File 2298 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "151" the following: ", and to each person engaged in
 4 the practice of licensed social work subject to
 5 regulation under chapter 154C".
 6 2. Page 1, line 13, by inserting after the figure
 7 "151" the following: ", or by a person engaged in the
 8 practice of licensed social work subject to regulation
 9 under chapter 154C".

METCALF of Polk

H-5687

- 1 Amend House File 2298 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "151" the following: ", and to each person engaged in
 4 the practice of psychology subject to regulation under
 5 chapter 154B".
 6 2. Page 1, line 13, by inserting after the figure
 7 "151" the following: ", or by a person engaged in the
 8 practice of psychology subject to regulation under
 9 chapter 154B".
 10 3. Page 2, line 7, by inserting after the figure
 11 "151" the following: ", and a person engaged in the
 12 practice of psychology subject to regulation under
 13 chapter 154B".

METCALF of Polk

H-5688

- 1 Amend House File 2298 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "151" the following: ", and to each registered or
 4 practical nurse licensed under chapter 152".
 5 2. Page 1, line 13, by inserting after the figure
 6 "151" the following: ", or by a registered or
 7 practical nurse licensed under chapter 152".

METCALF of Polk

H-5689

- 1 Amend House File 2298 as follows:

- 2 1. Page 1, line 8, by inserting after the figure
- 3 "151" the following: ", and to each podiatrist
- 4 licensed under chapter 149".
- 5 2. Page 1, line 13, by inserting after the figure
- 6 "151" the following: ", or by a podiatrist licensed
- 7 under chapter 149".
- 8 3. Page 2, line 7, by inserting after the figure
- 9 "151" the following: ", and a podiatrist licensed
- 10 under chapter 149".

METCALF of Polk

H-5690

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "151" the following: ", and to each respiratory care
- 4 practitioner licensed under chapter 152B".
- 5 2. Page 1, line 13, by inserting after the figure
- 6 "151" the following: ", or by a respiratory care
- 7 practitioner licensed under chapter 152B".
- 8 3. Page 2, line 7, by inserting after the figure
- 9 "151" the following: ", and a respiratory care
- 10 practitioner licensed under chapter 152B".

METCALF of Polk

H-5691

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "151" the following: ", and to each marital and
- 4 family therapist licensed under chapter 154D".
- 5 2. Page 1, line 13, by inserting after the figure
- 6 "151" the following: ", or by a marital and family
- 7 therapist licensed under chapter 154D".

METCALF of Polk

H-5692

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "151" the following: ", and to each hearing aid
- 4 dealer licensed under chapter 154A".
- 5 2. Page 1, line 13, by inserting after the figure
- 6 "151" the following: ", or by a hearing aid dealer
- 7 licensed under chapter 154A".

METCALF of Polk

H-5693

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "151" the following: ", and to each massage therapist

- 4 licensed under chapter 152C".
 5 2. Page 1, line 13, by inserting after the figure
 6 "151" the following: ", or by a massage therapist
 7 licensed under chapter 152C".
 8 3. Page 2, line 7, by inserting after the figure
 9 "151" the following: ", and a massage therapist
 10 licensed under chapter 152C".

METCALF of Polk

H-5694

- 1 Amend House File 2298 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "151" the following: ", and to each occupational
 4 therapist licensed under chapter 148B".
 5 2. Page 1, line 13, by inserting after the figure
 6 "151" the following: ", or by an occupational
 7 therapist licensed under chapter 148B".
 8 3. Page 2, line 7, by inserting after the figure
 9 "151" the following: ", and an occupational therapist
 10 licensed under chapter 148B".

METCALF of Polk

H-5695

- 1 Amend House File 2298 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "151" the following: ", and to each audiologist as
 4 defined in section 147.151".
 5 2. Page 1, line 13, by inserting after the figure
 6 "151" the following: ", or by an audiologist as
 7 defined in section 147.151".
 8 3. Page 2, line 7, by inserting after the figure
 9 "151" the following: ", and an audiologist as defined
 10 in section 147.151".

METCALF of Polk

H-5696

- 1 Amend House File 2298 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "151" the following: ", and to each acupuncturist
 4 registered under chapter 148E".
 5 2. Page 1, line 13, by inserting after the figure
 6 "151" the following: ", or by an acupuncturist
 7 registered under chapter 148E".
 8 3. Page 2, line 7, by inserting after the figure
 9 "151" the following: ", and an acupuncturist
 10 registered under chapter 148E".

METCALF of Polk

H-5697

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
3 "151" the following: ", and to each dietitian
4 licensed under chapter 152A".
- 5 2. Page 1, line 13, by inserting after the figure
6 "151" the following: ", or by a dietitian licensed
7 under chapter 152A".
- 8 3. Page 2, line 7, by inserting after the figure
9 "151" the following: ", and a dietitian licensed
10 under chapter 152A".

METCALF of Polk

H-5698

- 1 Amend House File 2481 as follows:
- 2 1. Page 2, line 9, by inserting after the words
3 "supporting business" the following: "only if the
4 contractor or subcontractor pays at least the
5 prevailing wages required for federal contracts for
6 similar work".

SHOULTZ of Black Hawk

H-5699

- 1 Amend House File 2481 as follows:
- 2 1. Page 3, line 23, by inserting after the word
3 "year." the following: "However, an eligible business
4 which enters into an agreement under this part on or
5 after the effective date of this Act shall not claim
6 the credit under this section for more than ten
7 years."

SHOULTZ of Black Hawk

H-5700

- 1 Amend Senate File 454, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 231C.1 DEFINITIONS.
6 As used in this chapter, unless the context
7 otherwise requires:
- 8 1. "Assisted living program" means a program which
9 provides housing and which additionally provides or
10 arranges for services including but not limited to
11 health-related care, personal care, and assistance
12 with instrumental activities of daily living to six or
13 more tenants in a physical structure which provides a
14 homelike environment. An assisted living program is
15 characterized by service provision which is consumer-
16 driven, flexible, and individualized, and that

17 maximizes consumer independence, choice, and dignity.
 18 "Assisted living program" does not include the
 19 provision of housing and assistance with instrumental
 20 activities of daily living which does not also include
 21 the provision of personal or health-related care.

22 2. "Department" means the department of elder
 23 affairs created in chapter 231 or the department's
 24 designee.

25 3. "Health-related care" means services provided
 26 by a licensed or certified health care professional.

27 4. "Instrumental activities of daily living" means
 28 those activities that reflect the tenant's ability to
 29 perform household and other tasks necessary to meet
 30 the tenant's needs within the community, including but
 31 not limited to shopping, cooking, housekeeping and
 32 other household tasks, and traveling within the
 33 community.

34 5. "Personal care" means assistance with the
 35 essential activities of daily living which may include
 36 but are not limited to transferring, bathing, personal
 37 hygiene, dressing, grooming, housekeeping essential to
 38 the health and welfare of the tenant, and supervising
 39 of self-administered medications. "Personal care"
 40 does not include administration of medications.

41 6. "Tenant" means an individual who is a recipient
 42 of assisted living program services.

43 Sec. 2. NEW SECTION. 231C.2 ACCREDITATION OF
 44 ASSISTED LIVING PROGRAMS.

45 1. A program which is represented to the public as
 46 an assisted living program shall be accredited by an
 47 independent entity.

48 2. An independent entity which provides
 49 accreditation services shall provide copies of all
 50 requested materials relating to the accreditation

Page 2

1 process to the department.

2 3. A hospital licensed pursuant to chapter 135B or
 3 a health care facility licensed pursuant to chapter
 4 135C may operate an assisted living program, located
 5 in a distinct part of or a separate structure under
 6 the control of the hospital or health care facility,
 7 if the program is accredited pursuant to this chapter.

8 Sec. 3. NEW SECTION. 231C.3 SANCTIONS.

9 The department may adopt rules to establish
 10 sanctions for failure to comply with the accreditation
 11 provisions of this chapter. Additional sanctions
 12 shall not be imposed for violations for which
 13 sanctions exist under other law including but not
 14 limited to building code and fire safety violations,
 15 dependent adult abuse and adult protective services
 16 provisions, and home health care regulations.

17 Sec. 4. MEDICAL ASSISTANCE WAIVER. The department
 18 of human services shall seek a waiver from the health
 19 care financing administration of the United States
 20 department of health and human services to include
 21 assisted living programs as eligible providers under
 22 the medical assistance home and community-based
 23 services waiver for the elderly.

24 Sec. 5. IMPLEMENTATION.

25 1. The department shall approve at least one
 26 independent entity for the purposes of accrediting
 27 assisted living programs on or before July 1, 1997.

28 2. The requirements of this chapter relating to
 29 accreditation of assisted living programs take effect
 30 July 1, 1998, if the program represents itself to the
 31 public as an assisted living program."

32 2. Title page, line 2, by inserting after the
 33 word "program" the following: "accreditation
 34 process".

35 3. Title page, line 3, by striking the word
 36 "penalties" and inserting the following: "sanctions".

WITT of Black Hawk
 CARROLL of Poweshiek

H-5704

1 Amend the amendment, H-5541, to Senate File 2448,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, line 13, by striking the figure
 5 "3,040,586" and inserting the following: "3,290,586".

WEIGEL of Chickasaw
 KREIMAN of Davis
 BRAND of Benton
 BERNAU of Story
 MUNDIE of Webster

MURPHY of Dubuque
 MASCHER of Johnson
 BURNETT of Story
 WITT of Black Hawk

H-5706

1 Amend Senate File 2375, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. Section 657.1, Code Supplement 1995,
 6 is amended to read as follows:

7 657.1 NUISANCE - WHAT CONSTITUTES - ACTION TO
 8 ABATE.

9 Whatever is injurious to health, indecent, or
 10 ~~unreasonably~~ offensive to the senses, or an
 11 obstruction to the free use of property, so as
 12 essentially to ~~unreasonably~~ interfere with the
 13 comfortable enjoyment of life or property, is a
 14 nuisance, and a civil action by ordinary proceedings

- 15 may be brought to enjoin and abate the same and to
 16 recover damages sustained on account thereof.
 17 Sec. ____ Section 657.2, subsection 1, Code
 18 Supplement 1995, is amended to read as follows:
 19 1. The erecting, continuing, or using any building
 20 or other place for the exercise of any trade,
 21 employment, or manufacture, which, by occasioning
 22 noxious exhalations, ~~unreasonably~~ offensive smells, or
 23 other annoyances, becomes injurious and dangerous to
 24 the health, comfort, or property of individuals or the
 25 public.”
 26 2. Page 1, line 1, by striking the word and
 27 figure “Section 1.” and inserting the following:
 28 “Sec. ____ REPEAL OF NUISANCE SUIT RESTRICTION.”
 29 3. By striking page 1, line 2, through page 3,
 30 line 17, and inserting the following: “repealed.”
 31 4. Title page, line 1, by striking the words “a
 32 limitation on qualifications for rebuttable” and
 33 inserting the following: “nuisance actions.”
 34 5. Title page, by striking lines 2 through 4.
 35 6. By renumbering as necessary.

MORELAND of Wapello

H-5709

- 1 Amend the amendment, H-5541, to Senate File 2448,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 6, line 14, by striking the figure
 5 “7,896,812” and inserting the following: “7,990,159”.

BRAND of Benton

H-5710

- 1 Amend the amendment, H-5541, to Senate File 2448,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 18, line 48, by striking the figure
 5 “38,445,924” and inserting the following:
 6 “38,706,998”.
 7 2. Page 19, by inserting after line 15 the
 8 following:
 9 “c. Of the funds appropriated from the general
 10 fund of the state to the department of human services
 11 for the fiscal year beginning July 1, 1996, \$193,390
 12 shall be transferred to the appropriation in this
 13 subsection for use at the Iowa veterans home at the
 14 beginning of the fourth quarter of fiscal year 1997,
 15 based upon anticipated savings from case management.”

BRAND of Benton

H-5711

1 Amend the amendment, H-5541, to Senate File 2448,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 20, line 19, by striking the word
 5 "gamblers" and inserting the following: "gambling".

6 2. Page 20, line 23, by striking the words
 7 "gamblers assistance" and inserting the following:
 8 "~~gamblers assistance~~ gambling".

9 3. Page 20, lines 26 and 27, by striking the
 10 words "gamblers assistance" and inserting the
 11 following: "~~gamblers assistance~~ gambling".

12 4. Page 20, line 35, by striking the words
 13 "gamblers assistance" and inserting the following:
 14 "~~gamblers assistance~~ gambling".

15 5. Page 20, line 38, by striking the words
 16 "gamblers assistance" and inserting the following:
 17 "~~gamblers assistance~~ gambling".

18 6. Page 20, line 45, by striking the words
 19 "gamblers assistance" and inserting the following:
 20 "~~gamblers assistance~~ gambling".

21 7. Page 21, by inserting after line 15 the
 22 following:

23 "Sec. ____ NEW SECTION. 135.108 LEGISLATIVE
 24 INTENT.

25 The intent of this division is to provide quality
 26 treatment and rehabilitation services to persons
 27 experiencing difficulties as a result of problem
 28 gambling, to ensure that the services are adequately
 29 administered by competent persons, and to encourage
 30 and coordinate education and other preventive efforts
 31 concerning problem gambling.

32 Sec. ____ NEW SECTION. 135.109 DEFINITIONS.

33 As used in this division, unless the context
 34 otherwise requires:

35 1. "Committee" means the gambling treatment
 36 advisory committee established in section 135.111.

37 2. "Participant" means a person receiving services
 38 provided through the gambling treatment program
 39 established in section 135.110.

40 3. "Program" means the gambling treatment program
 41 established in section 135.110.

42 Sec. ____ NEW SECTION. 135.110 GAMBLING
 43 TREATMENT PROGRAM ESTABLISHED.

44 1. A gambling treatment program is established
 45 within the Iowa department of public health. The
 46 department shall develop, implement, and administer
 47 the program, with the assistance of the gambling
 48 treatment advisory committee.

49 2. The program shall include the development and
 50 implementation of a comprehensive treatment program

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1 for problem gamblers and persons affected by gambling.
2 The program may include, but is not limited to, the
3 following:

- 4 a. Outpatient and follow-up treatment.
- 5 b. Rehabilitation programs.
- 6 c. Residential treatment.
- 7 d. Inpatient treatment.
- 8 e. Information and referral services.
- 9 f. Education and preventive services.

10 3. The director may enter into written agreements
11 with public or private agencies to pay for services
12 for problem gamblers and other persons affected by
13 problem gambling. The director shall adopt rules,
14 pursuant to chapter 17A, specifying the criteria for
15 payment to the facilities. The problem gambler or
16 other affected person receiving services is
17 responsible for payment for the costs of the services,
18 either through direct payment to the facility or
19 reimbursement to the department. If the person
20 receiving services has a claim for reimbursement for
21 services, through insurance or otherwise, the person
22 shall assign the claim to the department.

23 4. The director shall develop and encourage the
24 development of plans and programs for the prevention
25 of gambling problems and the treatment of persons
26 affected by problem gambling on a statewide basis and
27 in cooperation with public and private agencies by
28 providing technical assistance and other services. In
29 cooperation with local gambling treatment programs,
30 the director shall organize and implement programs for
31 persons offering gambling treatment services. In
32 addition, the director shall prepare, publish, and
33 disseminate educational material concerning problem
34 gambling and its effects, develop and implement an
35 educational program as an integral part of treatment
36 programs for problem gamblers and other persons
37 affected by problem gambling, and assist in the
38 development of gambling educational and treatment
39 programs for employees in both the public and private
40 sectors. The department may contract for any of the
41 services required in this subsection.

42 5. The director may conduct or contract for
43 research into the causes and nature of gambling
44 problems and serve as a clearinghouse for information
45 relating to problem gambling treatment.

46 Sec. ____ NEW SECTION. 135.111 GAMBLING
47 TREATMENT ADVISORY COMMITTEE ESTABLISHED.

48 1. A gambling treatment advisory committee is
49 established to advise the department on the
50 administration of the program. The committee shall

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1 consist of eleven members appointed by the director
2 for terms of office of three years and two senators.
3 and two state representatives appointed by the
4 majority and minority leaders of the senate and the
5 speaker and the minority leader of the house of
6 representatives, respectively, for two-year terms.
7 The legislative members shall be nonvoting members. A
8 nonlegislative member shall not be appointed to more
9 than two consecutive three-year terms. Terms of
10 office shall be staggered, and shall commence on July
11 1 of the year of appointment. The membership of the
12 advisory committee shall be gender-balanced as
13 provided in section 69.16A.

14 2. For a vacancy occurring after the appointment
15 of the initial membership, the committee shall submit
16 a list of at least two names to the director for
17 consideration in filling the vacancy on the committee.
18 The director shall fill the vacancy from the list of
19 names for a term of three years or for the remainder
20 of the unexpired term.

21 3. The committee and the director shall ensure
22 that the committee consists of members from both urban
23 and rural areas and represents a broad cross section
24 of the state, selected from the following groups:
25 recovering gamblers, the judicial department, the
26 legal community, law enforcement officials, the
27 religious community, employees of the lottery division
28 of the department of revenue and finance, employees of
29 the state racing and gaming commission, education
30 professionals, parole and probation officers,
31 psychiatrists licensed under chapter 147 or 150A, and
32 representatives from employee assistance programs,
33 consumer credit counseling and financial management
34 agencies, business and industry, human service
35 providers, gambling treatment providers, and other
36 interested citizens.

37 4. Annually, the chairperson of the committee
38 shall be elected by the committee from among its
39 membership. The committee shall meet as frequently as
40 the chairperson deems necessary, but not less than
41 annually. Special meetings may be called by the
42 department, the chairperson, or upon written request
43 by three or more of the members of the committee.

44 5. Committee members who are applicants for or
45 recipients of funds provided under this program are
46 disqualified from voting on decisions relating to the
47 disbursement of those funds for services in which the
48 member has an interest.

49 6. Members of the committee shall be allowed their
50 reasonable and necessary expenses incurred in the

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1 performance of their duties paid from funds
 2 appropriated for the program. Members of the
 3 committee may also be eligible to receive compensation
 4 as provided in section 7E.6.

5 Sec. ____ NEW SECTION. 135.112 POWERS AND DUTIES
 6 OF THE DIRECTOR.

7 The director shall:

8 1. Appoint members of the committee pursuant to
 9 section 135.111.

10 2. Be responsible for the administration of the
 11 gamblers assistance fund and the gambling treatment
 12 program.

13 3. Employ personnel under chapter 19A for
 14 administration of the gamblers treatment fund and the
 15 gambling treatment program and to assist the gambling
 16 treatment advisory committee.

17 4. Publish annually a list of facilities providing
 18 services to gamblers and persons affected by problem
 19 gambling.

20 5. Take all necessary and proper actions to carry
 21 out this chapter.

22 6. Adopt the necessary rules required to
 23 administer this division pursuant to chapter 17A.

24 Sec. ____ NEW SECTION. 135.113 POWERS AND DUTIES
 25 OF THE GAMBLING TREATMENT ADVISORY COMMITTEE.

26 The committee shall:

27 1. Consult with and make recommendations to the
 28 department concerning the adoption of rules relating
 29 to the treatment of problem gamblers and carrying out
 30 the purposes of this division.

31 2. Recommend services to be offered to treat
 32 problem gamblers and persons affected by the actions
 33 of problem gamblers.

34 3. Advise the department on budgeting, planning,
 35 and priorities for effective treatment of gamblers.

36 4. Make recommendations to the director concerning
 37 contract proposals.

38 5. Make recommendations to the director concerning
 39 committee vacancies as provided in section 135.111.

40 6. Take all necessary and proper actions to carry
 41 out the purposes of this division.

42 Sec. ____ NEW SECTION. 135.114 AUDITS.

43 A contractor providing services pursuant to this
 44 division shall be audited on an annual basis in
 45 accordance with the procedures established in section
 46 11.36.

47 Sec. ____ NEW SECTION. 135.115 CONFIDENTIALITY
 48 OF RECORDS.

49 1. Records pertaining to participants in the
 50 gambling treatment program are confidential pursuant

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- 1 to section 22.7. The records shall not be inspected
 2 and their contents shall not be disclosed except as
 3 otherwise provided in this section.
- 4 2. The director may examine participants' records
 5 in order to review or evaluate the program.
- 6 3. The director may provide information from
 7 participants' records to a person conducting bona fide
 8 research for research purposes under conditions the
 9 director deems appropriate, and may disclose or use
 10 information regarding the cost, purpose, number of
 11 persons served or assisted, results, and other general
 12 and statistical information if personal identifying
 13 data is not disclosed.
- 14 4. A participant's records may be disclosed to
 15 medical personnel in a medical emergency involving the
 16 patient.
- 17 5. Upon written application to and approval of the
 18 director, a participant's records shall be disclosed
 19 for public duties, audits, and other purposes directly
 20 related to the administration of the department.
- 21 6. A participant's records shall be disclosed to
 22 the participant upon the participant's written
 23 request.
- 24 7. A person shall not solicit, disclose, receive,
 25 use, authorize, or knowingly permit, participate in,
 26 or acquiesce in the use of confidential information
 27 under this section for commercial or political
 28 purposes."
- 29 8. By renumbering as necessary.

HARRISON of Scott

H-5719

- 1 Amend the amendment, H-5482, to Senate File 2446,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
- 4 1. Page 9, line 34, by striking the word
 5 "purpose" and inserting the following: "purposes".
- 6 2. Page 9, line 35, by inserting before the word
 7 "To" the following: "1."
- 8 3. Page 9, line 40, by striking the figure
 9 "500,000" and inserting the following: "400,000".
- 10 4. Page 9, line 41, by striking the figure "1."
 11 and inserting the following: "a."
- 12 5. Page 9, line 41, by striking the word
 13 "section" and inserting the following: "subsection".
- 14 6. Page 9, line 47, by striking the figure "2."
 15 and inserting the following: "b."
- 16 7. Page 10, line 4, by striking the word
 17 "section" and inserting the following: "subsection".
- 18 8. Page 10, by inserting after line 6 the

19 following:

- 20 "2. To the soil conservation division of the
 21 department of agriculture and land stewardship to
 22 support soil and water conservation district
 23 development including the training of soil and water
 24 conservation district staff:
 25 \$ 42,000
 26 3. To the soil conservation division of the
 27 department of agriculture and land stewardship for
 28 purposes of supporting the oversight of financial
 29 incentive programs administered by the division, and
 30 for the salary and support of not more than the
 31 following full-time equivalent position:
 32 \$ 56,000
 33 FTEs 1.00"
 34 9. By renumbering as necessary.

WEIGEL of Chickasaw

H-5720

- 1 Amend House File 2331 as passed by the House as
 2 follows:
 3 1. Page 1, lines 24 through 26, by striking the
 4 words "employment, including consideration of child
 5 care necessary to maintain the employment;" and
 6 inserting the following: "employment; necessary child
 7 care."
 8 2. Page 2, lines 14 through 16, by striking the
 9 words "Notwithstanding any limitations imposed on the
 10 department by this chapter or chapter 321, the
 11 department shall issue the license."
 12 3. Page 3, lines 4 through 6, by striking the
 13 words "employment, including consideration of child
 14 care necessary to maintain the employment;" and
 15 inserting the following "employment; necessary child
 16 care.".

Senate Amendment

H-5724

- 1 Amend the amendment, H-5542, to Senate File 2385,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 39, by inserting after the word
 5 "district" the following: "from persons nominated by
 6 the district judicial nominating commissions acting
 7 jointly.".

DINKLA of Guthrie

H-5726

- 1 Amend House File 2338 as follows:
 2 1. Page 1, by inserting after line 4 the

3 following:

- 4 "Sec. ____ Section 15.343, subsection 2, Code
 5 Supplement 1995, is amended by adding the following
 6 new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding
 8 paragraphs "a" through "e", at least one million
 9 dollars of the assets of the fund shall be used each
 10 year for a summer youth program to serve youth in
 11 areas with high juvenile crime rates and high minority
 12 populations in cities with populations exceeding fifty
 13 thousand according to the 1990 census."
 14 2. Title page, line 2, by inserting after the
 15 words "development fund" the following: ", the use of
 16 the assets of the fund,".
 17 3. By renumbering as necessary.

SHOULTZ of Black Hawk
 WITT of Black Hawk

H-5728

- 1 Amend the amendment, H-5541, to Senate File 2448,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, line 24, by striking the figure
 5 "986,242" and inserting the following: "792,852".
 6 2. Page 18, line 48, by striking the figure
 7 "38,445,924" and inserting the following:
 8 "38,900,388".

NELSON of Marshall

H-5729

- 1 Amend House File 2298 as follows:
 2 1. Title page, by striking the enacting clause.

JACOBS of Polk

H-5730

- 1 Amend Senate File 2167 as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 708.3A, Code Supplement 1995,
 6 is amended to read as follows:
 7 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS,
 8 AND EMERGENCY CARE PROVIDERS.
 9 1. A person who commits an assault, as defined in
 10 section 708.1, against a peace officer, basic
 11 emergency medical care provider under chapter 147, an
 12 advanced emergency medical care provider under chapter
 13 147A, or fire fighter, whether paid or volunteer, with
 14 the knowledge that the person against whom the assault

15 is committed is a peace officer, ~~basic emergency~~
 16 ~~medical care provider under chapter 147, an advanced~~
 17 emergency medical care provider under chapter 147A, or
 18 fire fighter and the intent to inflict a serious
 19 injury upon the peace officer, ~~basic emergency medical~~
 20 ~~care provider under chapter 147, an advanced emergency~~
 21 medical care provider under chapter 147A, or fire
 22 fighter, is guilty of a class "D" felony.

23 2. A person who commits an assault, as defined in
 24 section 708.1, against a peace officer, ~~basic~~
 25 ~~emergency medical care provider under chapter 147, an~~
 26 advanced emergency medical care provider under chapter
 27 147A, or fire fighter, whether paid or volunteer, who
 28 knows that the person against whom the assault is
 29 committed is a peace officer, ~~basic emergency medical~~
 30 ~~care provider under chapter 147, an advanced emergency~~
 31 medical care provider under chapter 147A, or fire
 32 fighter and who uses or displays a dangerous weapon in
 33 connection with the assault, is guilty of a class "D"
 34 felony.

35 3. A person who commits an assault, as defined in
 36 section 708.1, against a peace officer, ~~basic~~
 37 ~~emergency medical care provider under chapter 147, an~~
 38 advanced emergency medical care provider under chapter
 39 147A, or fire fighter, whether paid or volunteer, who
 40 knows that the person against whom the assault is
 41 committed is a peace officer, ~~basic emergency medical~~
 42 ~~care provider under chapter 147, an advanced emergency~~
 43 medical care provider under chapter 147A, or fire
 44 fighter, and who causes bodily injury or disabling
 45 mental illness, is guilty of an aggravated
 46 misdemeanor.

47 4. Any other assault, as defined in section 708.1,
 48 committed against a peace officer, ~~basic emergency~~
 49 ~~medical care provider under chapter 147, an advanced~~
 50 emergency medical care provider under chapter 147A, or

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1 fire fighter, whether paid or volunteer, by a person
 2 who knows that the person against whom the assault is
 3 committed is a peace officer, ~~basic emergency medical~~
 4 ~~care provider under chapter 147, an advanced emergency~~
 5 medical care provider under chapter 147A, or fire
 6 fighter, is a serious misdemeanor.

7 Sec. 2. NEW SECTION. 708A.1 INTERFERENCE WITHIN
 8 SCOPE OF DUTY – HEALTH CARE PROVIDERS.

9 1. A person who knowingly interferes with or
 10 obstructs anyone known by the person to be a health
 11 care provider, whether paid or volunteer, in the
 12 performance of any act which is within the scope of
 13 the duty or authority of that health care provider,
 14 whether paid or volunteer, commits a serious

15 misdemeanor.

16 2. A person who knowingly interferes with or
17 obstructs anyone known by the person to be a health
18 care provider, whether paid or volunteer, in the
19 performance of any act which is within the scope of
20 the duty or authority of that health care provider,
21 whether paid or volunteer, and in so doing inflicts
22 bodily injury other than serious injury, commits an
23 aggravated misdemeanor.

24 3. A person who knowingly interferes with or
25 obstructs anyone known by the person to be a health
26 care provider, whether paid or volunteer, in the
27 performance of any act which is within the scope of
28 the duty or authority of that health care provider,
29 whether paid or volunteer, and in so doing inflicts or
30 attempts to inflict serious injury, or displays a
31 dangerous weapon, as defined in section 702.7, or is
32 armed with a firearm, commits a class "D" felony.

33 4. As used in this section, "health care provider"
34 means an emergency medical care provider as defined in
35 chapter 147A or a person licensed, registered, or
36 regulated under chapter 148, 148C, 148D, 150, 150A, or
37 152, who is providing or who is attempting to provide
38 emergency medical services, as defined in section
39 147A.1, or who is providing or who is attempting to
40 provide health services, as defined in section 135.61,
41 in a hospital. A person who knowingly interferes with
42 or obstructs a health care provider, whether paid or
43 volunteer, in the performance of any act which is in
44 the scope of the duty of that health care provider, in
45 the hospital, or at the scene or during out-of-
46 hospital patient transportation in an ambulance, is
47 presumed to know that the person against whom the
48 interference or obstruction is committed is a health
49 care provider.

50 Sec. 3. Section 719.1, subsection 1, Code

Page 3

1 Supplement 1995, is amended to read as follows:

2 1. A person who knowingly resists or obstructs
3 anyone known by the person to be a peace officer,
4 ~~basic emergency medical care provider under chapter~~
5 ~~147, an advanced emergency medical care provider under~~
6 ~~chapter 147A,~~ or fire fighter, whether paid or
7 volunteer, in the performance of any act which is
8 within the scope of the lawful duty or authority of
9 that officer, ~~basic emergency medical care provider~~
10 ~~under chapter 147, an advanced emergency medical care~~
11 ~~provider under chapter 147A,~~ or fire fighter, whether
12 paid or volunteer, or who knowingly resists or
13 obstructs the service or execution by any authorized
14 person of any civil or criminal process or order of

15 any court, commits a serious misdemeanor. However, if
 16 a person commits an interference with official acts,
 17 as defined in this subsection, and in so doing
 18 inflicts bodily injury other than serious injury, that
 19 person commits an aggravated misdemeanor. If a person
 20 commits an interference with official acts, as defined
 21 in this subsection, and in so doing inflicts or
 22 attempts to inflict serious injury, or displays a
 23 dangerous weapon, as defined in section 702.7, or is
 24 armed with a firearm, that person commits a class "D"
 25 felony."

26 2. Title page, line 1, by striking the word
 27 "assault" and inserting the following: "interference
 28 or obstruction of the performance of the duties".

29 3. Title page, line 2, by inserting after the
 30 word "provider" the following: ", making conforming
 31 changes,".

MORELAND of Wapello

H-5738

1 Amend Senate File 2269, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. Section 331.756, subsection 4, Code
 6 Supplement 1995, is amended to read as follows:

7 4. Prosecute misdemeanors under chapter 236. The
 8 county attorney shall prosecute other misdemeanors
 9 when not otherwise engaged in the performance of other
 10 official duties.

11 Sec. 2. Section 602.6306, subsection 2, Code 1995,
 12 is amended to read as follows:

13 2. District associate judges also have
 14 jurisdiction in civil actions for money judgment where
 15 the amount in controversy does not exceed ten thousand
 16 dollars, jurisdiction over involuntary commitment,
 17 treatment, or hospitalization proceedings under
 18 chapters 125 and 229, jurisdiction of indictable
 19 misdemeanors, and felony violations of section 321J.2,
 20 jurisdiction to enter a temporary or emergency order
 21 of protection under chapter 236, and to make court
 22 appointments and set hearings in criminal matters,
 23 jurisdiction to enter orders in probate which do not
 24 require notice and hearing and to set hearings in
 25 actions under chapter 633, and the jurisdiction
 26 provided in section 602.7101 when designated as a
 27 judge of the juvenile court. While presiding in these
 28 subject matters a district associate judge shall
 29 employ district judges' practice and procedure."

30 2. Page 4, by inserting after line 15 the
 31 following:

32 "Sec. ____ DOMESTIC ABUSE TREATMENT PILOT PROGRAM.

33 Notwithstanding section 708.2A, a court, located in a
 34 county which has been designated by the supreme court
 35 as a county establishing an alternative batterers'
 36 treatment pilot program, shall sentence a person who
 37 pleads guilty to or is convicted of domestic abuse
 38 assault under section 708.2A to either a batterers'
 39 treatment program under section 708.2B or the
 40 alternative batterers' pilot program established in
 41 the county.

42 The judicial district in which the county is
 43 located shall report to the general assembly not later
 44 than January 15 of each year regarding the alternative
 45 batterers' pilot program. The judicial district shall
 46 submit a final report not later than August 1, 1998,
 47 regarding the pilot program.

48 This section is repealed effective June 30, 1998,
 49 except that the date for submission of the final
 50 report shall remain August 1, 1998."

Page 2

- 1 3. Title page, line 2, by striking the word
 2 "assault." and inserting the following: "assault,
 3 requiring county attorneys to prosecute certain
 4 domestic abuse misdemeanors, giving district associate
 5 judges jurisdiction to enter orders of protection in
 6 certain domestic abuse matters, and establishing a
 7 pilot program for domestic abuse."
 8 4. By renumbering as necessary.

KREIMAN of Davis
 GREINER of Washington

H-5744

- 1 Amend House File 2298 as follows:
 2 1. Page 1, line 18, by striking the word
 3 "copayment" and inserting the following:
 4 "copayment,".

BODDICKER of Cedar

H-5747

- 1 Amend House File 2423 as follows:
 2 1. Page 1, by striking lines 2 through 23 and
 3 inserting the following: "amended by adding the new
 4 unnumbered paragraph:
 5 NEW UNNUMBERED PARAGRAPH. The county board of
 6 supervisors may negotiate a fee in lieu of taxes with
 7 a municipality to reimburse the municipality for the
 8 actual costs incurred by the municipality for
 9 providing services to the racetrack, including but not
 10 limited to police and fire protection."
 11 2. Title page, line 1, by striking the words "to

12 the" and inserting the following: "to charging fees
13 in lieu of the".

McCOY of Polk

H-5748

1 Amend House File 2423 as follows:
2 1. Page 1, by striking lines 2 through 23 and
3 inserting the following: "amended by adding the
4 following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. Any city within which
6 the property used in the operation of a racetrack or
7 racetrack enclosure is located which is aggrieved due
8 to the tax exempt status of the property may enter
9 into negotiations with an adjacent city to allow the
10 other city to annex the property. Notwithstanding
11 chapter 368, annexation under this section occurs upon
12 the passage of a resolution of the governing bodies of
13 each of the involved cities."
14 2. Title page, line 1, by striking the words "the
15 taxation of".

McCOY of Polk

H-5749

1 Amend House File 2423 as follows:
2 1. Page 1, by striking lines 8 through 23 and
3 inserting the following: "nonprofit entity, may be
4 subject to payment of a fee in lieu of taxes to any
5 taxing district in which the real property used in the
6 operation of the racetrack or racetrack enclosure is
7 located. To subject such real property to a fee in
8 lieu of taxes, the governing body of the taxing
9 district shall pass a resolution requesting the owner
10 of record of the real property to enter into
11 negotiations to establish the amount of the fee. The
12 fee shall not exceed the actual costs incurred by the
13 taxing district as a result of the racetrack or
14 racetrack enclosure."
15 2. Title page, line 1, by striking the words
16 "taxation of" and inserting the following: "payment
17 of a fee in lieu of taxes on".

McCOY of Polk

H-5750

1 Amend House File 2423 as follows:
2 1. Page 1, by striking lines 12 through 23 and
3 inserting the following: "of the taxing district
4 shall pass a resolution requesting the owner of record
5 of the real property to conduct a joint study with the
6 taxing district to determine actual costs incurred by
7 the taxing district and the actual benefits received

8 by the taxing district as a result of the racetrack or
9 racetrack enclosure. If the study determines the
10 costs incurred by the taxing district exceed the
11 benefits received, the taxing district may pass a
12 resolution imposing a tax in an amount sufficient to
13 recover up to the amount of the costs incurred minus
14 benefits received and shall notify the county
15 assessor, director of revenue and finance, and the
16 owner of record of the real property by September 1
17 preceding the fiscal year in which the real property
18 taxes are due and payable. Real property subject to
19 tax as provided in this subsection shall continue to
20 be taxed for a period of five years. After the
21 expiration of the tax, the taxing district may
22 reimpose the tax for an additional five years in
23 accordance with this section."

McCOY of Polk

H-5751

1 Amend House File 2423 as follows:
2 1. Page 1, by inserting after line 23 the
3 following:
4 "A tax imposed by any taxing jurisdiction under
5 this subsection shall not take effect until the taxing
6 jurisdiction has successfully negotiated agreements to
7 pay a fee in lieu of taxes which affects at least
8 ninety percent of the tax exempt parcels within the
9 taxing district."

McCOY of Polk

H-5752

1 Amend House File 2423 as follows:
2 1. Page 1, by inserting after line 23 the
3 following:
4 "Any taxing jurisdiction which imposes a tax on the
5 real property used in the operation of a racetrack or
6 racetrack enclosure under this subsection shall pay a
7 fee in lieu of taxes, to all other taxing districts,
8 based on the assessed value of all property owned by
9 the taxing district."

McCOY of Polk

H-5753

1 Amend House File 2423 as follows:
2 1. Page 1, by inserting after line 23 the
3 following:
4 "Any taxing jurisdiction which imposes a tax on the
5 real property used in the operating of a racetrack or
6 racetrack enclosure under this subsection shall
7 provide one-half of the revenues for promotion of

8 tourism within the county in which the taxing district
 9 is located. Payment to a convention and visitors
 10 bureau, or similar organization, which serves at least
 11 the entire county satisfies the requirement imposed by
 12 this paragraph."

McCoy of Polk

H-5754

1 Amend House File 2423 as follows:
 2 1. Page 1, by inserting after line 23 the
 3 following:
 4 "A county, which owns a racetrack or racetrack
 5 enclosure which has a tax imposed upon it under this
 6 subsection, which reduces its tax levy as a result of
 7 income received from the racetrack or racetrack
 8 enclosure, shall not apply the levy reduction
 9 attributable to this revenue to property located
 10 within a taxing jurisdiction which imposes a tax under
 11 this subsection."

McCoy of Polk

H-5760

1 Amend House File 2423 as follows:
 2 1. Page 1, by inserting after line 23 the
 3 following:
 4 "Sec. ____ Section 427.1, subsection 2, Code
 5 Supplement 1995, is amended by adding the following
 6 new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 8 exemption provisions in the previous paragraph, a
 9 county, township, city, school corporation, levee
 10 district, or drainage district may impose its taxes on
 11 property located within its jurisdiction owned by any
 12 of the other taxing districts. To subject such real
 13 property to taxation, the governing body of the taxing
 14 district shall pass a resolution imposing the tax and
 15 shall notify the county assessor, director of revenue
 16 and finance, and the owner of record of the real
 17 property by September 1 preceding the fiscal year in
 18 which the real property taxes are due and payable.
 19 The assessed value shall be determined by the
 20 department of revenue and finance by October 15 and
 21 the owner may protest the assessed value to the state
 22 board of tax review by December 1. Real property
 23 subject to tax as provided in this subsection shall
 24 continue to be taxed until such time as the governing
 25 body of the taxing district repeals the resolution
 26 subjecting the property to taxation."
 27 2. Title page, line 2, by inserting after the

28 word "enclosure" the following: "and real property
29 owned by other taxing jurisdictions".

CATALDO of Polk

H-5761

1 Amend House File 2423 as follows:
2 1. Page 1, by inserting before line 24 the
3 following:
4 "Sec. ____ Section 99F.10, Code Supplement 1995,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 7. Real property used as a dock
7 or for purposes of an excursion gambling boat which is
8 exempt from property taxation under another provision
9 of the law, including being exempt because it is owned
10 by a city, county, state, or charitable or nonprofit
11 entity, may be subject to real property taxation by
12 any taxing district in which the real property used as
13 a dock or for purposes of an excursion gambling boat
14 is located. To subject such real property to
15 taxation, the governing body of the taxing district
16 shall pass a resolution imposing the tax and shall
17 notify the county assessor, director of revenue and
18 finance, and the owner of record of the real property
19 by September 1 preceding the fiscal year in which the
20 real property taxes are due and payable. The assessed
21 value shall be determined by the department of revenue
22 and finance by October 15 and the owner may protest
23 the assessed value to the state board of tax review by
24 December 1. Real property subject to tax as provided
25 in this subsection shall continue to be taxed until
26 such time as the governing body of the taxing district
27 repeals the resolution subjecting the property to
28 taxation."
29 2. Title page, line 2, by inserting after the
30 word "enclosure" the following: "or real property
31 involved in gambling boat operations".

CATALDO of Polk

H-5763

1 Amend House File 2423 as follows:
2 1. Page 1, by inserting before line 24 the
3 following:
4 "Sec. ____ NEW SECTION. 99D.15A ADDITIONAL TAX.
5 A one percent tax is imposed annually on the gross
6 receipts or net profits, whichever is less, from the
7 operation of the pari-mutuel method of wagering on
8 horse and dog races. Tax proceeds shall be deposited
9 into the child day care assistance fund created in
10 section 237A.28.
11 Sec. ____ NEW SECTION. 99F.11A ADDITIONAL TAX.

12 A one percent tax is imposed annually on the gross
 13 receipts or net profits, whichever is less, from the
 14 operation of gambling games authorized under this
 15 chapter. Tax proceeds shall be deposited into the
 16 child day care assistance fund created in section
 17 237A.28.

18 Sec. ____ Section 237A.28, Code 1995, is amended
 19 to read as follows:

20 237A.28 CHILD DAY CARE CREDIT ASSISTANCE FUND.

21 A child day care credit assistance fund is created
 22 in the state treasury under the authority of the
 23 department of human services. The moneys in the fund
 24 shall consist of moneys deposited pursuant to section
 25 sections 99D.15A, 99F.11A, and 422.100 and shall be
 26 used for child day care services as annually directed
 27 by the general assembly.

28 Sec. ____ Section 422.100, Code 1995, is amended
 29 to read as follows:

30 422.100 ALLOCATION TO THE CHILD DAY CARE CREDIT
 31 ASSISTANCE FUND.

32 The treasurer of state shall credit during the
 33 first month of each quarter of each fiscal year to the
 34 child day care credit assistance fund created in
 35 section 237A.28 the sum of six hundred fifty thousand
 36 dollars from the individual income tax withholding
 37 receipts."

38 2. By renumbering as necessary.

CATALDO of Polk

H-5764

1 Amend House File 2423 as follows:

2 1. Page 1, by inserting before line 24 the
 3 following:

4 "Sec. ____ Section 99F.4A, subsection 6, Code
 5 1995, is amended to read as follows:

6 6. The adjusted gross receipts received from
 7 gambling games shall be taxed at the same rates and
 8 the proceeds distributed in the same manner as
 9 provided in section 99F.11. In addition, five percent
 10 of the gross receipts or net profits, whichever is
 11 less, from the gambling games in Polk county shall go
 12 to fund a Polk county child care assistance program."

CATALDO of Polk

H-5767

1 Amend House File 2298 as follows:

2 1. Page 1, by striking lines 6 through 9 and
 3 inserting the following: "provide patients direct
 4 access to each type of physician. Such direct access
 5 to a chiropractic physician shall not be conditioned
 6 upon a referral by a".

DISNEY of Polk

H-5768

- 1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:
 3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:
 5 "_. Page 2, by inserting after line 7 the
 6 following:
 7 "Sec. ____ REPEAL. This Act is repealed effective
 8 June 30, 1997."
 9 2. By renumbering as necessary.

DISNEY of Polk

H-5769

- 1 Amend House File 2298 as follows:
 2 1. Page 2, by inserting after line 7 the
 3 following:
 4 "Sec. ____ REPEAL. This Act is repealed effective
 5 June 30, 1997."
 6 2. By renumbering as necessary.

DISNEY of Polk

H-5772

- 1 Amend House File 2298 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. ____ Section 135.1, subsection 4, Code
 5 Supplement 1995, is amended to read as follows:
 6 4. "Physician" means a person licensed to practice
 7 medicine and surgery, osteopathic medicine and
 8 surgery, osteopathy, chiropractic, ~~or~~ podiatry, or
 9 optometry under the laws of this state; but a person
 10 licensed as a physician and surgeon shall be
 11 designated as a "physician" or "surgeon", a person
 12 licensed as an osteopathic physician and surgeon shall
 13 be designated as an "osteopathic physician" or
 14 "osteopathic surgeon", a person licensed as an
 15 osteopath shall be designated as an "osteopathic
 16 physician", a person licensed as a chiropractor shall
 17 be designated as a "chiropractor", and a person
 18 licensed as a podiatrist shall be designated as a
 19 "podiatric physician", and a person licensed as an
 20 optometrist shall be designated as an "optometrist."
 21 2. By striking page 1, line 1, through page 2,
 22 line 7, and inserting the following:
 23 "Sec. ____ NEW SECTION. 514C.11 PATIENT ACCESS
 24 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 25 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
 26 Notwithstanding section 514C.6, a managed care
 27 health plan or indemnity plan with a limited provider
 28 network shall provide patients direct access to each

29 type of physician, as defined in section 135.1 and
30 licensed under chapter 148, 150A, 151, or 154. Such
31 direct access to a physician licensed under chapter
32 151 or 154 shall not be conditioned upon a referral by
33 a provider licensed under another chapter. Access to
34 a specialist may be conditioned upon a referral by a
35 primary care provider physician licensed under chapter
36 148, 150A, 151, or 154. If a physician licensed under
37 chapter 151 or 154 determines that a referral should
38 be made to a physician licensed under another chapter,
39 a managed care health plan or indemnity plan with a
40 limited provider network may require that the referral
41 be made first to a provider designated by the plan.
42 Any copayment deductible, cost containment mechanism,
43 or premium rate shall not discriminate directly or
44 indirectly upon the basis of the license held by the
45 physician. Access to a specialist may be subject to a
46 different copayment or deductible than access to a
47 primary care provider. Access to a nonparticipating
48 physician may be restricted or may be subject to
49 different copayments, deductibles, or premium rates,
50 or may be excluded, provided that a plan shall not

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1 differentiate or exclude a physician directly or
2 indirectly upon the basis of the license held by the
3 physician.
4 Each plan must demonstrate that it is capable of
5 serving appropriately the needs of the subscriber
6 population in the service area of the plan with regard
7 to patient access to each type of physician. The
8 commissioner of insurance shall adopt rules as
9 necessary to administer this paragraph.
10 For purposes of this section, "managed care health
11 plan or indemnity plan with a limited provider
12 network" means a health maintenance organization,
13 organized delivery system, accountable health plan,
14 health care insurance plan which limits the number of
15 licensed physicians who can provide services under the
16 plan, preferred provider organization, exclusive
17 provider organization, restricted access network, or
18 similar health-care plan. For purposes of this
19 section, "physician" means physician as defined in
20 section 135.1 and licensed under chapter 148, 150A,
21 151, or 154."
22 3. By renumbering as necessary.

JACOBS of Polk

H-5773

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:

3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:
 5 “_. Page 1, by inserting before line 1 the
 6 following:

7 “Sec. ___. Section 135.1, subsection 4, Code
 8 Supplement 1995, is amended to read as follows:
 9 4. “Physician” means a person licensed to practice
 10 medicine and surgery, osteopathic medicine and
 11 surgery, osteopathy, chiropractic, ~~or~~ podiatry, or
 12 optometry under the laws of this state; but a person
 13 licensed as a physician and surgeon shall be
 14 designated as a “physician” or “surgeon”, a person
 15 licensed as an osteopathic physician and surgeon shall
 16 be designated as an “osteopathic physician” or
 17 “osteopathic surgeon”, a person licensed as an
 18 osteopath shall be designated as an “osteopathic
 19 physician”, a person licensed as a chiropractor shall
 20 be designated as a “chiropractor”, and a person
 21 licensed as a podiatrist shall be designated as a
 22 “podiatric physician”, and a person licensed as an
 23 optometrist shall be designated as an “optometrist”.”

24 _. By striking page 1, line 1, through page 2,
 25 line 7, and inserting the following:

26 “Sec. ___. **NEW SECTION. 514C.11 PATIENT ACCESS**
 27 **TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN**
 28 **OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.**

29 Notwithstanding section 514C.6, a managed care
 30 health plan or indemnity plan with a limited provider
 31 network shall provide patients direct access to each
 32 type of physician, as defined in section 135.1 and
 33 licensed under chapter 148, 150A, 151, or 154. Such
 34 direct access to a physician licensed under chapter
 35 151 or 154 shall not be conditioned upon a referral by
 36 a provider licensed under another chapter. Access to
 37 a specialist may be conditioned upon a referral by a
 38 primary care provider physician licensed under chapter
 39 148, 150A, 151, or 154. If a physician licensed under
 40 chapter 151 or 154 determines that a referral should
 41 be made to a physician licensed under another chapter,
 42 a managed care health plan or indemnity plan with a
 43 limited provider network may require that the referral
 44 be made first to a provider designated by the plan.
 45 Any copayment deductible, cost containment mechanism,
 46 or premium rate shall not discriminate directly or
 47 indirectly upon the basis of the license held by the
 48 physician. Access to a specialist may be subject to a
 49 different copayment or deductible than access to a
 50 primary care provider. Access to a nonparticipating

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1 physician may be restricted or may be subject to
 2 different copayments, deductibles, or premium rates,

3 or may be excluded, provided that a plan shall not
 4 differentiate or exclude a physician directly or
 5 indirectly upon the basis of the license held by the
 6 physician.

7 Each plan must demonstrate that it is capable of
 8 serving appropriately the needs of the subscriber
 9 population in the service area of the plan with regard
 10 to patient access to each type of physician. The
 11 commissioner of insurance shall adopt rules as
 12 necessary to administer this paragraph.

13 For purposes of this section, "managed care health
 14 plan or indemnity plan with a limited provider
 15 network" means a health maintenance organization,
 16 organized delivery system, accountable health plan,
 17 health care insurance plan which limits the number of
 18 licensed physicians who can provide services under the
 19 plan, preferred provider organization, exclusive
 20 provider organization, restricted access network, or
 21 similar health-care plan. For purposes of this
 22 section, "physician" means physician as defined in
 23 section 135.1 and licensed under chapter 148, 150A,
 24 151, or 154."

25 2. By renumbering as necessary.

JACOBS of Polk

H-5774

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause, and inserting
 5 the following:

6 "Section 1. **NEW SECTION. 514C.11 PATIENT ACCESS**
 7 **TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN**
 8 **OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.**

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151. Such direct
 14 access to a physician licensed under chapter 151 shall
 15 not be conditioned upon a referral by a provider.
 16 licensed under another chapter. Access to a
 17 specialist may be conditioned upon a referral by a
 18 primary care provider physician licensed under chapter
 19 148, including an orthopedic surgeon, 150A, or 151.
 20 If a physician licensed under chapter 151 determines
 21 that a referral should be made to a physician licensed
 22 under another chapter, a managed care health plan or
 23 indemnity plan with a limited provider network may
 24 require that the referral be made first to a provider
 25 designated by the plan. Any copayment deductible,
 26 cost containment mechanism, or premium rate shall not

27 discriminate directly or indirectly upon the basis of
 28 the license held by the physician. Access to a
 29 specialist may be subject to a different copayment or
 30 deductible than access to a primary care provider.
 31 Access to a nonparticipating physician may be
 32 restricted or may be subject to different copayments,
 33 deductibles, or premium rates, or may be excluded,
 34 provided that a plan shall not differentiate or
 35 exclude a physician directly or indirectly upon the
 36 basis of the license held by the physician.

37 Each plan must demonstrate that it is capable of
 38 serving appropriately the needs of the subscriber
 39 population in the service area of the plan with regard
 40 to patient access to each type of physician. The
 41 commissioner of insurance shall adopt rules as
 42 necessary to administer this paragraph.

43 For purposes of this section, "managed care health
 44 plan or indemnity plan with a limited provider
 45 network" means a health maintenance organization,
 46 organized delivery system, accountable health plan,
 47 health care insurance plan which limits the number of
 48 licensed physicians who can provide services under the
 49 plan, preferred provider organization, exclusive
 50 provider organization, restricted access network, or

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1 similar health-care plan. For purposes of this
 2 section, "physician" means physician as defined in
 3 section 135.1 and licensed under chapter 148, 150A, or
 4 151."

GRUNDBERG of Polk

H-5775

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause, and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151. Such direct
 14 access to a physician licensed under chapter 151 shall
 15 not be conditioned upon a referral by a provider
 16 licensed under another chapter. Access to a
 17 specialist may be conditioned upon a referral by a
 18 primary care provider physician licensed under chapter

19 148, including an obstetrician and gynecologist, 150A,
 20 or 151. If a physician licensed under chapter 151
 21 determines that a referral should be made to a
 22 physician licensed under another chapter, a managed
 23 care health plan or indemnity plan with a limited
 24 provider network may require that the referral be made
 25 first to a provider designated by the plan. Any
 26 copayment deductible, cost containment mechanism, or
 27 premium rate shall not discriminate directly or
 28 indirectly upon the basis of the license held by the
 29 physician. Access to a specialist may be subject to a
 30 different copayment or deductible than access to a
 31 primary care provider. Access to a nonparticipating
 32 physician may be restricted or may be subject to
 33 different copayments, deductibles, or premium rates,
 34 or may be excluded, provided that a plan shall not
 35 differentiate or exclude a physician directly or
 36 indirectly upon the basis of the license held by the
 37 physician.

38 Each plan must demonstrate that it is capable of
 39 serving appropriately the needs of the subscriber
 40 population in the service area of the plan with regard
 41 to patient access to each type of physician. The
 42 commissioner of insurance shall adopt rules as
 43 necessary to administer this paragraph.

44 For purposes of this section, "managed care health
 45 plan or indemnity plan with a limited provider
 46 network" means a health maintenance organization,
 47 organized delivery system, accountable health plan,
 48 health care insurance plan which limits the number of
 49 licensed physicians who can provide services under the
 50 plan, preferred provider organization, exclusive

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1 provider organization, restricted access network, or
 2 similar health-care plan. For purposes of this
 3 section, "physician" means physician as defined in
 4 section 135.1 and licensed under chapter 148, 150A, or
 5 151."

GRUNDBERG of Polk

H-5776

1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:

3 1. Page 1, line 3, by striking the word "clause."
 4 and inserting the following: "clause, and inserting
 5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care

10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148, 150A, or 151. Such direct
14 access to a physician licensed under chapter 151 shall
15 not be conditioned upon a referral by a provider
16 licensed under another chapter. Access to a
17 specialist may be conditioned upon a referral by a
18 primary care provider physician licensed under chapter
19 148, including a pediatrician, 150A, or 151. If a
20 physician licensed under chapter 151 determines that a
21 referral should be made to a physician licensed under
22 another chapter, a managed care health plan or
23 indemnity plan with a limited provider network may
24 require that the referral be made first to a provider
25 designated by the plan. Any copayment deductible,
26 cost containment mechanism, or premium rate shall not
27 discriminate directly or indirectly upon the basis of
28 the license held by the physician. Access to a
29 specialist may be subject to a different copayment or
30 deductible than access to a primary care provider.
31 Access to a nonparticipating physician may be
32 restricted or may be subject to different copayments,
33 deductibles, or premium rates, or may be excluded,
34 provided that a plan shall not differentiate or
35 exclude a physician directly or indirectly upon the
36 basis of the license held by the physician.

37 Each plan must demonstrate that it is capable of
38 serving appropriately the needs of the subscriber
39 population in the service area of the plan with regard
40 to patient access to each type of physician. The
41 commissioner of insurance shall adopt rules as
42 necessary to administer this paragraph.

43 For purposes of this section, "managed care health
44 plan or indemnity plan with a limited provider
45 network" means a health maintenance organization,
46 organized delivery system, accountable health plan,
47 health care insurance plan which limits the number of
48 licensed physicians who can provide services under the
49 plan, preferred provider organization, exclusive
50 provider organization, restricted access network, or

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1 similar health-care plan. For purposes of this
2 section, "physician" means physician as defined in
3 section 135.1 and licensed under chapter 148, 150A, or
4 151."

GRUNDBERG of Polk

H-5777

1 Amend House File 2298 as follows:

2 1. Page 1, line 10, by inserting after the word
 3 "chapter." the following: "Such direct access to a
 4 physician licensed under chapter 151 may be limited to
 5 such a physician who limits the physician's practice
 6 to the treatment of human ailments by the adjustment
 7 of the musculoskeletal structures, primarily spinal
 8 adjustments by hand, or by other procedures incidental
 9 to such adjustments limited to heat, cold, exercise,
 10 and supports, the principles of which chiropractors
 11 are subject to examination under chapter 151, but not
 12 as independent therapeutic means."

METCALF of Polk

H-5778

1 Amend House File 2298, as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 135.1, subsection 4, Code
 5 Supplement 1995, is amended to read as follows:
 6 4. "Physician" means a person licensed to practice
 7 medicine and surgery, osteopathic medicine and
 8 surgery, osteopathy, chiropractic, ~~or~~ podiatry, or
 9 optometry under the laws of this state; but a person
 10 licensed as a physician and surgeon shall be
 11 designated as a "physician" or "surgeon", a person
 12 licensed as an osteopathic physician and surgeon shall
 13 be designated as an "osteopathic physician" or
 14 "osteopathic surgeon", a person licensed as an
 15 osteopath shall be designated as an "osteopathic
 16 physician", a person licensed as a chiropractor shall
 17 be designated as a "chiropractor", and a person
 18 licensed as a podiatrist shall be designated as a
 19 "podiatric physician", and a person licensed as an
 20 optometrist shall be designated as an "optometrist".
 21 2. Page 1, line 8, by striking the word and
 22 figure "or 151" and inserting the following: "151, or
 23 154".
 24 3. Page 1, line 9, by inserting after the figure
 25 "151" the following: "or 154".
 26 4. Page 1, lines 12 and 13, by striking the word
 27 and figure "or 151" and inserting the following:
 28 "151, or 154".
 29 5. Page 1, line 13, by inserting after the word
 30 and figure "chapter 151" the following: "or 154".
 31 6. Page 2, line 7, by striking the word and
 32 figure "or 151" and inserting the following: "151, or
 33 154".
 34 7. By renumbering as necessary.

JACOBS of Polk

H-5779

1 Amend House File 2298 as follows:

- 2 1. Page 1, line 12, by inserting after the figure
- 3 "148," the following: "including an orthopedic
- 4 surgeon,".

GRUNDBERG of Polk

H-5780

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "148," the following: "including an obstetrician and
- 4 gynecologist,".

GRUNDBERG of Polk

H-5782

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "148," the following: "including a pediatrician,".

GRUNDBERG of Polk

H-5784

- 1 Amend Senate File 2406, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking line 3 and inserting the
- 4 following:
- 5 "3. A person other than an employee or operator of
- 6 a juvenile shelter care facility approved under
- 7 section 232.142, or a person other than a child's
- 8 parent, guardian, legal".
- 9 2. By renumbering as necessary.

GRUBBS of Scott

H-5785

- 1 Amend the amendment, H-5514, to Senate File 2419,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 13 the
- 5 following:
- 6 "_. Page 18, by inserting after line 29 the
- 7 following:
- 8 "Sec. __. INSTRUCTIONAL SUPPORT FOR REORGANIZED
- 9 SCHOOL DISTRICTS. Notwithstanding section 257.18,
- 10 subsection 3, and section 257.27, a school district
- 11 participating in an instructional support program on
- 12 or after July 1, 1995, which reorganizes effective
- 13 July 1, 1996, may continue to participate in the
- 14 instructional support program for the budget year
- 15 beginning July 1, 1996. The percent of income surtax
- 16 imposed for the budget year beginning July 1, 1996, by
- 17 the board of directors of the school district that
- 18 reorganizes effective July 1, 1996, shall not exceed

- 19 seventeen percent.”
 20 __. Title page, line 7, by inserting after the
 21 word “levies,” the following: “instructional support
 22 for reorganized school districts,”.”

GRIES of Crawford

H-5786

- 1 Amend the amendment, H-5102, to House File 2298 as
 2 follows:
 3 1. Page 1, line 3, by striking the word “clause.”
 4 and inserting the following: “clause and inserting
 5 the following:
 6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
 9 Notwithstanding section 514C.6, a managed care
 10 health plan or indemnity plan with a limited provider
 11 network shall provide patients direct access to each
 12 type of physician, as defined in section 135.1 and
 13 licensed under chapter 148, 150A, or 151, and to each
 14 audiologist as defined in section 147.151, each person
 15 practicing osteopathy under chapter 150, each
 16 acupuncturist registered under chapter 148E, each
 17 physical therapist licensed under chapter 148A, each
 18 occupational therapist licensed under chapter 148B,
 19 each physician assistant licensed under chapter 148C,
 20 each podiatrist licensed under chapter 149, each
 21 registered or practical nurse licensed under chapter
 22 152, each dietician licensed under chapter 152A, each
 23 respiratory care practitioner licensed under chapter
 24 152B, each massage therapist licensed under chapter
 25 152C, each person engaged in the practice of optometry
 26 pursuant to chapter 154, each hearing aid dealer
 27 licensed under chapter 154A, each person engaged in
 28 the practice of psychology subject to regulation under
 29 chapter 154B, each person engaged in the practice of
 30 licensed social work subject to regulation under
 31 chapter 154C, each marital and family therapist
 32 licensed under chapter 154D, and each pharmacist
 33 licensed under chapter 155A. Such direct access to a
 34 physician licensed under chapter 151 shall not be
 35 conditioned upon a referral by a provider licensed
 36 under another chapter. Access to a specialist may be
 37 conditioned upon a referral by a primary care provider
 38 licensed under chapter 148 or 150A, or a primary care
 39 provider who is an audiologist as defined in section
 40 147.151, a person engaged in the practice of
 41 osteopathy under chapter 150, an acupuncturist
 42 registered under chapter 148E, a physical therapist
 43 licensed under chapter 148A, an occupational therapist
 44 licensed under chapter 148B, a physician assistant
 45 licensed under chapter 148C, a podiatrist licensed

46 under chapter 149, a registered or practical nurse
 47 licensed under chapter 152, dietician licensed under
 48 chapter 152A, a respiratory care practitioner licensed
 49 under chapter 152B, a massage therapist licensed under
 50 chapter 152C, a person engaged in the practice of

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1 optometry pursuant to chapter 154, a hearing aid
 2 dealer licensed under chapter 154A, a person engaged
 3 in the practice of psychology and regulated under
 4 chapter 154B, a person engaged in the practice of
 5 licensed social work and regulated under chapter 154C,
 6 a marital and family therapist licensed under chapter
 7 154D, a pharmacist licensed under chapter 155A. If a
 8 primary care provider determines that a referral
 9 should be made to a provider licensed, registered, or
 10 otherwise regulated under another chapter, a managed
 11 care health plan or indemnity plan with a limited
 12 provider network may require that the referral be made
 13 first to a provider designated by the plan. Access to
 14 a specialist may be subject to a different copayment
 15 or deductible than access to a primary care provider.
 16 Access to a nonparticipating provider may be
 17 restricted or may be subject to different copayments,
 18 deductibles, or premium rates, or may be excluded.

19 For purposes of this section, "managed care health
 20 plan or indemnity plan with a limited provider
 21 network" means a health maintenance organization,
 22 organized delivery system, accountable health plan,
 23 health care insurance plan which limits the number of
 24 health care providers who can provide services under
 25 the plan, preferred provider organization, exclusive
 26 provider organization, restricted access network, or
 27 similar health-care plan."

28 2. Title page, line 3, by striking the word
 29 "physicians" and inserting the following:
 30 "providers".

GRUNDBERG of Polk

H-5787

1 Amend the amendment, H-5600, to Senate File 2409,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 1, by striking line 8.
- 5 2. By renumbering as necessary.

McCOY of Polk

H-5788

1 Amend the amendment, H-5600, to Senate File 2409,
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, by striking lines 16 through 22 and
5 inserting the following: "provisions of chapter 19A."

CONNORS of Polk

H-5790

- 1 Amend the amendment, H-5600, to Senate File 2409,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 27, by inserting before the words
5 "The governor" the following: "Of the nine voting
6 members, four members shall represent business, four
7 members shall represent labor, and one member shall
8 represent a post-secondary educational institution
9 which conducts workforce development programs.
10 Persons representing labor shall be appointed from
11 nominations submitted by statewide labor organizations
12 in this state."

TAYLOR of Linn

H-5792

- 1 Amend the amendment, H-5515, to Senate File 2245,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 6 the
5 following:
6 "Section 1. Section 2.11, Code 1995, is amended by
7 adding the following new unnumbered paragraph after
8 unnumbered paragraph 1:
9 NEW UNNUMBERED PARAGRAPH. A temporary employee of
10 the general assembly may elect to receive payment of
11 the employee's salary during each month of the same
12 calendar year in which the temporary employee is
13 employed, for payment at the same time as other state
14 employees are paid, by notifying the finance officer
15 prior to commencing employment as a temporary employee
16 of the general assembly."
17 2. Page 14, line 3, by striking the words
18 "paragraph "e"" and inserting the following:
19 "paragraphs "e" and "f"".
20 3. Page 14, line 42, by striking the words
21 "paragraph "e"" and inserting the following:
22 "paragraphs "e" and "f"".
23 4. Page 16, by inserting after line 41 the
24 following:
25 "Sec. ____ Section 97B.49, subsection 5, Code
26 Supplement 1995, is amended by adding the following
27 new paragraph:
28 NEW PARAGRAPH. f. For each active or inactive
29 vested member retiring on or after July 1, 1996, the
30 percentage multiplier of the three-year average

31 covered wage used under subsections 5, 15, 16, and 17
 32 to calculate the monthly retirement allowance shall be
 33 increased by one-fourth of one percentage point for
 34 each additional calendar quarter of membership service
 35 beyond the applicable years of service, not to exceed
 36 a total of six additional percentage points. For
 37 purposes of this paragraph, "the applicable years of
 38 service" shall be the following, based upon the
 39 service retirement allowance selected:

40 (1) For members receiving a retirement allowance
 41 for regular service under subsection 5 or 15, or
 42 receiving a combined retirement allowance under
 43 subsection 17, the applicable years of service is
 44 thirty.

45 (2) For members receiving a retirement allowance
 46 for service in a protection occupation under
 47 subsection 16, paragraph "a", or receiving a
 48 retirement allowance for service as a sheriff, deputy
 49 sheriff, or airport fire fighter under subsection 16,
 50 paragraph "b", subparagraph (3), the applicable years

Page 2

1 of service is twenty-five.

2 (3) For members receiving a retirement allowance
 3 for service as a sheriff, deputy sheriff, or airport
 4 fire fighter under subsection 16, paragraph "b",
 5 subparagraph (1) or (2), the applicable years of
 6 service is twenty-two."

7 5. By striking page 16, line 42, through page 18,
 8 line 2, and inserting the following:

9 "Sec. ____ Section 97B.49, subsection 13, Code
 10 Supplement 1995, is amended to read as follows:

11 13. a. A member who retired from the system
 12 between January 1, 1976, and June 30, 1982, or a
 13 contingent annuitant or beneficiary of such a member,
 14 shall receive with the November ~~1994 and the November~~
 15 ~~1995 1996~~ monthly benefit payments payment a
 16 retirement dividend equal to ~~one~~ two hundred eighty-
 17 ~~one~~ twenty-three percent of the monthly benefit
 18 payment the member received for the preceding June, or
 19 the most recently received benefit payment, whichever
 20 is greater. The retirement dividend does not affect
 21 the amount of a monthly benefit payment.

22 b. Each member who retired from the system between
 23 July 4, 1953, and December 31, 1975, or a contingent
 24 annuitant or beneficiary of such a member, shall
 25 receive with the November ~~1994 and the November 1995~~
 26 ~~1996~~ monthly benefit payments payment a retirement
 27 dividend equal to two hundred ~~thirty-six~~ ninety-two
 28 percent of the monthly benefit payment the member
 29 received for the preceding June, or the most recently
 30 received benefit payment, whichever is greater. The

31 retirement dividend does not affect the amount of a
32 monthly benefit payment.

33 c. Notwithstanding the determination of the amount
34 of a retirement dividend under paragraph "a", "b",
35 "d", or "f", or "g", a retirement dividend shall not
36 be less than twenty-five dollars.

37 d. A member who retired from the system between
38 July 1, 1982, and June 30, 1986, or a contingent
39 annuitant or beneficiary of such a member, shall
40 receive with the November 1994 ~~and the November 1995~~
41 1996 monthly benefit payments payment a retirement
42 dividend equal to ~~forty-nine~~ seventy-four percent of
43 the monthly benefit payment the member received for
44 the preceding June, or the most recently received
45 benefit payment, whichever is greater. The retirement
46 dividend does not affect the amount of a monthly
47 benefit payment.

48 e. If the member dies on or after July 1 of the
49 dividend year but before the payment date, the full
50 amount of the retirement dividend for that year shall

Page 3

1 ~~be paid to the designated beneficiary to the member's~~
2 ~~account, upon notification of the member's death. If~~
3 ~~there is no beneficiary designated by the member, the~~
4 ~~department shall pay the dividend to the member's~~
5 ~~estate. The beneficiary, or the representative of the~~
6 ~~member's estate, must apply for the dividend within~~
7 ~~two years after the dividend is payable or the~~
8 ~~dividend is forfeited.~~

9 f. A member who retired from the system between
10 July 1, 1986, and June 30, 1990, or a contingent
11 annuitant or beneficiary of such a member, shall
12 receive with the November 1996 ~~and the November 1997~~
13 monthly benefit payments payment a retirement dividend
14 in an amount determined by the general assembly equal
15 to twenty-four percent of the monthly benefit payment
16 the member received for the preceding June, or the
17 most recently received benefit payment, whichever is
18 greater. The retirement dividend does not affect the
19 amount of a monthly benefit payment.

20 Sec. __. Section 97B.49, subsection 13, Code
21 Supplement 1995, is amended by adding the following
22 new paragraph:

23 NEW PARAGRAPH. g. Effective July 1, 1997,
24 commencing with dividends payable in November 1997,
25 and for each subsequent year, all members who retired
26 prior to July 1, 1990, shall be eligible for annual
27 dividend payments, payable in November of that year,
28 pursuant to the requirements of this paragraph. The
29 dividend payable in any given year shall be the sum of
30 the dollar amount of the dividend payable in the

31 previous November and the dividend adjustment.
 32 The dividend adjustment for a given year shall be
 33 calculated by multiplying the total of the retiree's
 34 monthly benefit payments and the dividend payable to
 35 the retiree in the previous calendar year by the
 36 applicable percentage as determined by this paragraph.
 37 The applicable percentage shall be the least of the
 38 following percentages:

39 (1) The percentage representing eighty percent of
 40 the percentage increase in the consumer price index
 41 published in the federal register by the federal
 42 department of labor, bureau of labor statistics, that
 43 reflects the percentage increase in the consumer price
 44 index for the twelve-month period ending June 30 of
 45 the year that the dividend is to be paid.

46 (2) The percentage representing the percentage
 47 amount the actuary has certified, in the annual
 48 actuarial valuation of the system as of June 30 of the
 49 year in which the dividend is to be paid, that the
 50 fund can absorb without requiring an increase in the

Page 4

1 employer and employee contributions to the fund.

2 (3) Three percent.

3 The dividend determined pursuant to this paragraph
 4 shall not be used to increase the monthly benefit
 5 amount payable."

6. Page 18, by inserting before line 3 the
 7 following:

8 "Sec. ____ Section 97B.49, subsection 15,
 9 paragraph b, Code Supplement 1995, is amended to read
 10 as follows:

11 b. For each active or inactive vested member
 12 retiring on or after July 1, 1990, and before July 1,
 13 1996, who is at least fifty-five years of age and for
 14 which the sum of the number of years of membership
 15 service and prior service and the member's age in
 16 years as of the member's last birthday equals or
 17 exceeds ninety-two, a monthly benefit shall be
 18 computed which is equal to one-twelfth of the same
 19 percentage of the three-year average covered wage of
 20 the member as is provided in subsection 5.

21 Sec. ____ Section 97B.49, subsection 15, Code
 22 Supplement 1995, is amended by adding the following
 23 new paragraph:

24 NEW PARAGRAPH. c. For each active or inactive
 25 vested member retiring on or after July 1, 1996, who
 26 is at least fifty-five years of age and for which the
 27 sum of the number of years of membership service and
 28 prior service and the member's age in years as of the
 29 member's last birthday equals or exceeds eighty-eight,
 30 a monthly benefit shall be computed which is equal to

31 one-twelfth of the same percentage of the three-year
32 average covered wage of the member as is provided in
33 subsection 5, multiplied by a fraction of years of
34 service as is provided in subsection 5.”

35 7. Page 18, by inserting before line 3 the
36 following:

37 “Sec. ____ Section 97B.49, subsection 16,
38 paragraph b, Code Supplement 1995, is amended by
39 adding the following new subparagraph:

40 NEW SUBPARAGRAPH. (3) A member who retires from
41 employment as a county sheriff, deputy sheriff, or
42 airport fire fighter, who retires on or after July 1,
43 1997, and at the time of retirement has completed a
44 total of twenty-five years of membership service with
45 the last twelve years of membership service as a
46 county sheriff, deputy sheriff, or airport fire
47 fighter, may elect to receive in lieu of the receipt
48 of any benefits under subsection 5 or 15, or
49 subparagraphs (1) and (2) of this paragraph, a monthly
50 retirement allowance equal to one-twelfth of the

Page 5

1 applicable percentage multiplier of the member's
2 three-year average covered wage as is provided in
3 paragraph “a”, with benefits payable during the
4 member's lifetime.”

5 8. Page 18, by inserting before line 3 the
6 following:

7 “Sec. ____ Section 97B.49, subsection 16,
8 paragraph d, subparagraph (9), Code Supplement 1995,
9 is amended to read as follows:

10 (9) An employee of a judicial district department
11 of correctional services who is employed as a
12 probation officer II or III, ~~or~~ a parole officer II or
13 III, or a residential counselor.”

14 9. Page 19, line 39, by inserting after the
15 letter “c.” the following: “(1).”

16 10. Page 19, by inserting after line 46 the
17 following:

18 “(2) In calculating the combined monthly
19 retirement allowance pursuant to paragraph “a”, and in
20 determining the applicable percentage multiplier
21 established in subsection 5, the member shall be
22 entitled to an addition in the percentage multiplier
23 in accordance with subsection 5, paragraph “P”, only
24 for those years of service in excess of thirty years.
25 Any addition in the percentage multiplier shall be
26 included in the calculations required under paragraph
27 “a”, subparagraphs (1), (2), and (3) of this
28 subsection.”

29 11. Page 20, by inserting after line 32 the
30 following:

31 "Sec. ____ NEW SECTION. 97B.50A DISABILITY
32 BENEFITS FOR SHERIFFS, DEPUTY SHERIFFS, AIRPORT FIRE
33 FIGHTERS, AND MEMBERS OF A PROTECTION OCCUPATION.

34 1. DEFINITIONS. For purposes of this section,
35 unless the context otherwise provides, "member" means
36 a vested member who is classified as a sheriff, deputy
37 sheriff, or airport fire fighter or as a vested member
38 of a protection occupation under section 97B.49,
39 subsection 16, at the time of the alleged disability.

40 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.

41 a. Effective July 1, 1997, a member who is injured
42 in the performance of the member's duties, and
43 otherwise meets the requirements of this subsection
44 shall receive an accidental disability retirement
45 allowance under the provisions of this subsection, in
46 lieu of a monthly retirement allowance as provided in
47 section 97B.49 or benefits calculated as provided in
48 section 97B.50, subsection 2.

49 b. Upon application of a member, a member who has
50 become totally and permanently incapacitated for duty

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1 as the natural and proximate result of an injury,
2 disease, or exposure occurring or aggravated while in
3 the actual performance of duty shall be retired by the
4 department, provided that the medical board shall
5 certify that the member is mentally or physically
6 incapacitated for further performance of duty, that
7 the incapacity is likely to be permanent, and that the
8 member should be retired. The department shall make
9 the final determination, based on the medical evidence
10 received, of a member's total and permanent
11 disability. However, if a person's membership in the
12 system first commenced on or after July 1, 1997, the
13 member shall not be eligible for benefits with respect
14 to a disability which would not exist, but for a
15 medical condition that was known to exist on the date
16 that membership commenced.

17 c. Upon retirement for an accidental disability as
18 provided by this subsection, a member shall receive
19 the greater of a monthly accidental disability
20 retirement allowance calculated under this subsection
21 or a disability retirement allowance calculated under
22 section 97B.50, subsection 2. The monthly accidental
23 disability allowance calculated under this subsection
24 shall consist of an allowance equal to one-twelfth of
25 sixty percent of the member's three-year average
26 covered wage at the time of disability.

27 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

28 a. Effective July 1, 1997, a member who otherwise
29 meets the requirements of this subsection shall
30 receive an ordinary disability retirement allowance

31 under the provisions of this subsection, in lieu of a
32 monthly retirement allowance as provided in section
33 97B.49 or benefits calculated as provided in section
34 97B.50, subsection 2.

35 b. Upon application of a member, a member who has
36 become totally and permanently incapacitated for duty
37 shall be retired by the department, provided that the
38 medical board shall certify that the member is
39 mentally or physically incapacitated for further
40 performance of duty, that the incapacity is likely to
41 be permanent, and that the member should be retired.
42 The department shall make the final determination,
43 based on the medical evidence received, of a member's
44 total and permanent disability. However, if a
45 person's membership in the system first commenced on
46 or after July 1, 1997, the member shall not be
47 eligible for benefits with respect to a disability
48 which would not exist, but for a medical condition
49 that was known to exist on the date that membership
50 commenced.

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1 c. Upon retirement for an ordinary disability as
2 provided by this subsection, a member shall receive
3 the greater of a monthly ordinary disability
4 retirement allowance calculated under this subsection
5 or a disability retirement allowance calculated under
6 section 97B.50, subsection 2. The monthly ordinary
7 disability allowance calculated under this subsection
8 shall consist of an allowance equal to one-twelfth of
9 fifty percent of the member's three-year average
10 covered wage at the time of disability.

11 4. OFFSET TO ALLOWANCE. Any amounts which may be
12 paid or payable by the employer under the provisions
13 of any workers' compensation or other law to a member,
14 or to the dependents of a member on account of any
15 disability, shall be offset against and payable in
16 lieu of any retirement allowance payable pursuant to
17 this section on account of the same disability.

18 5. REEXAMINATION - REEMPLOYMENT OF MEMBERS
19 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.

20 a. Once each year during the first five years
21 following the retirement of a member under this
22 section, and once in every three-year period
23 thereafter, the department may, and upon the member's
24 application shall, require any member receiving an
25 accidental or ordinary disability retirement allowance
26 who has not yet attained the age of fifty-five years
27 to undergo a medical examination as arranged by the
28 medical board. The examination shall be made by the
29 medical board or by an additional physician or
30 physicians designated by the board. If any member

31 receiving an accidental or ordinary disability
32 retirement allowance who has not attained the age of
33 fifty-five years refuses to submit to the medical
34 examination, the allowance may be discontinued until
35 the member's withdrawal of the refusal, and should the
36 member's refusal continue for one year, all rights in
37 and to the member's disability retirement allowance
38 shall be revoked by the department.

39 b. If a member receiving a disability retirement
40 allowance is returned to covered employment, the
41 member's disability retirement allowance shall cease,
42 the member shall again become an active member, and
43 shall contribute thereafter at the same rate payable
44 by similarly classified members. Upon subsequent
45 retirement, the member's retirement allowance shall be
46 calculated as provided in section 97B.48A.

47 6. DEATH BENEFITS. A member who is receiving an
48 accidental or ordinary disability retirement allowance
49 under this section shall be treated as having elected
50 a lifetime monthly retirement allowance with no death

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1 benefit unless the member elects an optional form of
2 benefit provided under section 97B.51, which shall be
3 actuarially equivalent to the lifetime monthly
4 retirement allowance provided under this section.

5 7. MEDICAL BOARD. The system shall designate a
6 medical board to be composed of three physicians who
7 shall arrange for and pass upon the medical
8 examinations required under the provisions of this
9 section and shall report in writing to the department
10 the conclusions and recommendations upon all matters
11 duly referred to the medical board. Each report of a
12 medical examination under this section shall include
13 the medical board's findings as to the extent of the
14 member's physical impairment.

15 8. RULES. The department shall adopt rules
16 pursuant to chapter 17A specifying the application
17 procedure for members pursuant to this section."

18 12. Page 35, by inserting after line 40 the
19 following:

20 "Sec. ____ INTERIM STUDY COMMITTEE. The
21 legislative council shall direct the public retirement
22 systems committee established under section 97D.4 to
23 meet during the 1996 legislative interim and make
24 recommendations regarding diseases which are presumed
25 to have been contracted while on active duty for
26 purposes of accidental disability benefits provided
27 under section 97B.50A, as enacted in this Act."

28 13. By renumbering and correcting internal

29 references as necessary.

LARKIN of Lee
 SCHRADER of Marion
 TAYLOR of Linn
 MYERS of Johnson
 KOENIGS of Mitchell
 NELSON of Pottawattamie
 WISE of Lee
 WEIGEL of Chickasaw
 JOCHUM of Dubuque
 BELL of Jasper
 BRAND of Benton
 MERTZ of Kossuth
 MASCHER of Johnson
 MURPHY of Dubuque

MAY of Worth
 OLLIE of Clinton
 SHOULTZ of Black Hawk
 BERNAU of Story
 COHOON of Des Moines
 DREES of Carroll
 BRAMMER of Linn
 KREIMAN of Davis
 HARPER of Black Hawk
 OSTERHAUS of Jackson
 O'BRIEN of Boone
 McCOY of Polk
 WITT of Black Hawk

H-5793

- 1 Amend House File 2298 as follows:
- 2 1. Page 2, line 7, by inserting after the figure
- 3 "151." the following: "For purposes of this section,
- 4 "primary care provider physician" means, in addition
- 5 to any other primary care physician, an orthopedic
- 6 surgeon."

GRUNDBERG of Polk

H-5794

- 1 Amend House File 2298 as follows:
- 2 1. Page 2, line 7, by inserting after the figure
- 3 "151." the following: "For purposes of this section,
- 4 "primary care provider physician" means, in addition
- 5 to any other primary care physician, an obstetrician
- 6 and gynecologist."

GRUNDBERG of Polk

H-5796

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "clause."
- 4 and inserting the following: "clause, and inserting
- 5 the following:
- 6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
- 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
- 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
- 9 Notwithstanding section 514C.6, a managed care
- 10 health plan or indemnity plan with a limited provider
- 11 network shall provide patients direct access to each
- 12 type of physician, as defined in section 135.1 and
- 13 licensed under chapter 148, 150A, or 151. Such direct
- 14 access to a physician licensed under chapter 151 shall
- 15 not be conditioned upon a referral by a provider

16 licensed under another chapter. Access to a
17 specialist may be conditioned upon a referral by a
18 primary care provider physician licensed under chapter
19 148, 150A, or 151. If a physician licensed under
20 chapter 151 determines that a referral should be made
21 to a physician licensed under another chapter, a
22 managed care health plan or indemnity plan with a
23 limited provider network may require that the referral
24 be made first to a provider designated by the plan.
25 Any copayment deductible, cost containment mechanism,
26 or premium rate shall not discriminate directly or
27 indirectly upon the basis of the license held by the
28 physician. Access to a specialist may be subject to a
29 different copayment or deductible than access to a
30 primary care provider. Access to a nonparticipating
31 physician may be restricted or may be subject to
32 different copayments, deductibles, or premium rates,
33 or may be excluded, provided that a plan shall not
34 differentiate or exclude a physician directly or
35 indirectly upon the basis of the license held by the
36 physician.

37 Each plan must demonstrate that it is capable of
38 serving appropriately the needs of the subscriber
39 population in the service area of the plan with regard
40 to patient access to each type of physician. The
41 commissioner of insurance shall adopt rules as
42 necessary to administer this paragraph.

43 For purposes of this section, "managed care health
44 plan or indemnity plan with a limited provider
45 network" means a health maintenance organization,
46 organized delivery system, accountable health plan,
47 health care insurance plan which limits the number of
48 licensed physicians who can provide services under the
49 plan, preferred provider organization, exclusive
50 provider organization, restricted access network, or

Page 2

1 similar health-care plan. For purposes of this
2 section, "physician" means physician as defined in
3 section 135.1 and licensed under chapter 148, 150A, or
4 151.

5 For purposes of this section, "primary care
6 provider physician" means, in addition to any other
7 primary care physician, a pediatrician."

GRUNDBERG of Polk

H-5797

1 Amend the amendment, H-5102, to House File 2298, as
2 follows:

3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause, and inserting

5 the following:

6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS

7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148, 150A, or 151. Such direct
14 access to a physician licensed under chapter 151 shall
15 not be conditioned upon a referral by a provider
16 licensed under another chapter. Access to a
17 specialist may be conditioned upon a referral by a
18 primary care provider physician licensed under chapter
19 148, 150A, or 151. If a physician licensed under
20 chapter 151 determines that a referral should be made
21 to a physician licensed under another chapter, a
22 managed care health plan or indemnity plan with a
23 limited provider network may require that the referral
24 be made first to a provider designated by the plan.
25 Any copayment deductible, cost containment mechanism,
26 or premium rate shall not discriminate directly or
27 indirectly upon the basis of the license held by the
28 physician. Access to a specialist may be subject to a
29 different copayment or deductible than access to a
30 primary care provider. Access to a nonparticipating
31 physician may be restricted or may be subject to
32 different copayments, deductibles, or premium rates,
33 or may be excluded, provided that a plan shall not
34 differentiate or exclude a physician directly or
35 indirectly upon the basis of the license held by the
36 physician.

37 Each plan must demonstrate that it is capable of
38 serving appropriately the needs of the subscriber
39 population in the service area of the plan with regard
40 to patient access to each type of physician. The
41 commissioner of insurance shall adopt rules as
42 necessary to administer this paragraph.

43 For purposes of this section, "managed care health
44 plan or indemnity plan with a limited provider
45 network" means a health maintenance organization,
46 organized delivery system, accountable health plan,
47 health care insurance plan which limits the number of
48 licensed physicians who can provide services under the
49 plan, preferred provider organization, exclusive
50 provider organization, restricted access network, or

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1 similar health-care plan. For purposes of this
2 section, "physician" means physician as defined in
3 section 135.1 and licensed under chapter 148, 150A, or
4 151. For purposes of this section, "primary care

- 5 provider physician" means, in addition to any other
6 primary care physician, an orthopedic surgeon."

GRUNDBERG of Polk

H-5798

- 1 Amend House File 2298 as follows:
2 1. Page 2, line 7, by inserting after the figure
3 "151." the following: "For purposes of this section,
4 "primary care provider physician" means, in addition
5 to any other primary care physician, a pediatrician."

GRUNDBERG of Polk

H-5799

- 1 Amend the amendment, H-5129, to House File 2298, as
2 follows:
3 1. Page 2, line 35, by inserting after the word
4 "plan." the following: "For purposes of this section,
5 "primary care provider" means, in addition to any
6 other primary care physician, a pediatrician."

GRUNDBERG of Polk

H-5801

- 1 Amend the amendment, H-5102, to House File 2298, as
2 follows:
3 1. Page 1, line 3, by striking the word "clause."
4 and inserting the following: "clause, and inserting
5 the following:
6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
9 Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148, 150A, or 151. Such direct
14 access to a physician licensed under chapter 151 shall
15 not be conditioned upon a referral by a provider
16 licensed under another chapter. Access to a
17 specialist may be conditioned upon a referral by a
18 primary care provider physician licensed under chapter
19 148, 150A, or 151. If a physician licensed under
20 chapter 151 determines that a referral should be made
21 to a physician licensed under another chapter, a
22 managed care health plan or indemnity plan with a
23 limited provider network may require that the referral
24 be made first to a provider designated by the plan.
25 Any copayment deductible, cost containment mechanism,
26 or premium rate shall not discriminate directly or
27 indirectly upon the basis of the license held by the

28 physician. Access to a specialist may be subject to a
 29 different copayment or deductible than access to a
 30 primary care provider. Access to a nonparticipating
 31 physician may be restricted or may be subject to
 32 different copayments, deductibles, or premium rates,
 33 or may be excluded, provided that a plan shall not
 34 differentiate or exclude a physician directly or
 35 indirectly upon the basis of the license held by the
 36 physician.

37 Each plan must demonstrate that it is capable of
 38 serving appropriately the needs of the subscriber
 39 population in the service area of the plan with regard
 40 to patient access to each type of physician. The
 41 commissioner of insurance shall adopt rules as
 42 necessary to administer this paragraph.

43 For purposes of this section, "managed care health
 44 plan or indemnity plan with a limited provider
 45 network" means a health maintenance organization,
 46 organized delivery system, accountable health plan,
 47 health care insurance plan which limits the number of
 48 licensed physicians who can provide services under the
 49 plan, preferred provider organization, exclusive
 50 provider organization, restricted access network, or

Page 2

1 similar health-care plan. For purposes of this
 2 section, "physician" means physician as defined in
 3 section 135.1 and licensed under chapter 148, 150A, or
 4 151.

5 For purposes of this section, "primary care
 6 provider physician" means, in addition to any other
 7 primary care physician, an obstetrician and
 8 gynecologist."

GRUNDBERG of Polk

H-5802

- 1 Amend House File 2298 as follows:
 2 1. Page 1, by inserting after line 32 the
 3 following:
 4 "Each plan shall disclose to each individual
 5 considering becoming a subscriber under such plan, at
 6 a minimum, information related to all of the
 7 following:
 8 1. The number, type, and distribution of
 9 participating providers, including a list of
 10 individual participating providers, if requested.
 11 2. Any limitations on the choice of health care
 12 providers under the plan.
 13 3. Coverage benefits under the plan, as well as
 14 exclusions from coverage.
 15 4. Prior authorization or other review

16 requirements and their potential impact on payment or
17 nonpayment for services.

18 5. Financial obligations of a subscriber under the
19 plan.

20 6. Subscriber rights and responsibilities.

21 7. The existence of any limited utilization
22 incentive plans which may reduce or limit services
23 covered under the plan.”

GRUNDBERG of Polk

H-5804

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:

3 1. Page 1, line 3, by striking the word “clause.”
4 and inserting the following: “clause, and inserting
5 the following:

6 “Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

9 Notwithstanding section 514C.6, a managed care
10 health plan or indemnity plan with a limited provider
11 network shall provide patients direct access to each
12 type of physician, as defined in section 135.1 and
13 licensed under chapter 148, 150A, or 151. Such direct
14 access to a physician licensed under chapter 151 shall
15 not be conditioned upon a referral by a provider
16 licensed under another chapter. Access to a
17 specialist may be conditioned upon a referral by a
18 primary care provider physician licensed under chapter
19 148, 150A, or 151. If a physician licensed under
20 chapter 151 determines that a referral should be made
21 to a physician licensed under another chapter, a
22 managed care health plan or indemnity plan with a
23 limited provider network may require that the referral
24 be made first to a provider designated by the plan.
25 Any copayment deductible, cost containment mechanism,
26 or premium rate shall not discriminate directly or
27 indirectly upon the basis of the license held by the
28 physician. Access to a specialist may be subject to a
29 different copayment or deductible than access to a
30 primary care provider. Access to a nonparticipating
31 physician may be restricted or may be subject to
32 different copayments, deductibles, or premium rates,
33 or may be excluded, provided that a plan shall not
34 differentiate or exclude a physician directly or
35 indirectly upon the basis of the license held by the
36 physician.

37 Each plan must demonstrate that it is capable of
38 serving appropriately the needs of the subscriber
39 population in the service area of the plan with regard
40 to patient access to each type of physician. The
41 commissioner of insurance shall adopt rules as

42 necessary to administer this paragraph.
 43 Each plan shall disclose to each individual
 44 considering becoming a subscriber under such plan, at
 45 a minimum, information related to all of the
 46 following:
 47 1. The number, type, and distribution of
 48 participating providers, including a list of
 49 individual participating providers, if requested.
 50 2. Any limitations on the choice of health care

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1 providers under the plan.
 2 3. Coverage benefits under the plan, as well as
 3 exclusions from coverage.
 4 4. Prior authorization or other review
 5 requirements and their potential impact on payment or
 6 nonpayment for services.
 7 5. Financial obligations of a subscriber under the
 8 plan.
 9 6. Subscriber rights and responsibilities.
 10 7. The existence of any limited utilization
 11 incentive plans which may reduce or limit services
 12 covered under the plan.
 13 For purposes of this section, "managed care health
 14 plan or indemnity plan with a limited provider
 15 network" means a health maintenance organization,
 16 organized delivery system, accountable health plan,
 17 health care insurance plan which limits the number of
 18 licensed physicians who can provide services under the
 19 plan, preferred provider organization, exclusive
 20 provider organization, restricted access network, or
 21 similar health-care plan. For purposes of this
 22 section, "physician" means physician as defined in
 23 section 135.1 and licensed under chapter 148, 150A, or
 24 151."

GRUNDBERG of Polk

H-5808

1 Amend House File 2298 as follows:
 2 1. Page 1, line 7, by inserting after the figure
 3 "148," the following: "149,".
 4 2. Page 1, line 12, by inserting after the figure
 5 "148," the following: "149,".
 6 3. Page 2, line 7, by inserting after the figure
 7 "148," the following: "149,".

GRUNDBERG of Polk

H-5809

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 31, by inserting after the word
- 3 "physician." the following: "Each plan must
- 4 demonstrate that it is capable of, and has established
- 5 procedures for the purpose of, safeguarding the
- 6 privacy of individually identifiable subscriber
- 7 information and maintaining accurate and timely
- 8 records for subscribers."

GRUNDBERG of Polk

H-5810

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "___ Page 1, line 7, by inserting after the
- 6 figure "148," the following: "149,".
- 7 ___ Page 1, line 9, by inserting after the word
- 8 "chapter" the following: "149 or".
- 9 ___ Page 1, line 12, by inserting after the
- 10 figure "148," the following: "149,".
- 11 ___ Page 1, line 13, by inserting after the word
- 12 "chapter" the following: "149 or".
- 13 ___ Page 2, line 7, by inserting after the
- 14 figure "148," the following: "149,".

GRUNDBERG of Polk

H-5811

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "clause."
- 4 and inserting the following: "clause, and inserting
- 5 the following:
- 6 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
- 7 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
- 8 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
- 9 Notwithstanding section 514C.6, a managed care
- 10 health plan or indemnity plan with a limited provider
- 11 network shall provide patients direct access to each
- 12 type of physician, as defined in section 135.1 and
- 13 licensed under chapter 148, 149, 150A, or 151. Such
- 14 direct access to a physician licensed under chapter
- 15 151 shall not be conditioned upon a referral by a
- 16 provider licensed under another chapter. Access to a
- 17 specialist may be conditioned upon a referral by a
- 18 primary care provider physician licensed under chapter
- 19 148, 149, 150A, or 151. If a physician licensed under
- 20 chapter 151 determines that a referral should be made
- 21 to a physician licensed under another chapter, a

22 managed care health plan or indemnity plan with a
23 limited provider network may require that the referral
24 be made first to a provider designated by the plan.
25 Any copayment deductible, cost containment mechanism,
26 or premium rate shall not discriminate directly or
27 indirectly upon the basis of the license held by the
28 physician. Access to a specialist may be subject to a
29 different copayment or deductible than access to a
30 primary care provider. Access to a nonparticipating
31 physician may be restricted or may be subject to
32 different copayments, deductibles, or premium rates,
33 or may be excluded, provided that a plan shall not
34 differentiate or exclude a physician directly or
35 indirectly upon the basis of the license held by the
36 physician.

37 Each plan must demonstrate that it is capable of
38 serving appropriately the needs of the subscriber
39 population in the service area of the plan with regard
40 to patient access to each type of physician. The
41 commissioner of insurance shall adopt rules as
42 necessary to administer this paragraph.

43 For purposes of this section, "managed care health
44 plan or indemnity plan with a limited provider
45 network" means a health maintenance organization,
46 organized delivery system, accountable health plan,
47 health care insurance plan which limits the number of
48 licensed physicians who can provide services under the
49 plan, preferred provider organization, exclusive
50 provider organization, restricted access network, or

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1 similar health-care plan. For purposes of this
2 section, "physician" means physician as defined in
3 section 135.1 and licensed under chapter 148, 149,
4 150A, or 151."

GRUNDBERG of Polk

H-5813

1 Amend House File 2298 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 514C.15 MANAGED CARE
5 HEALTH PLAN OR INDEMNITY PLAN WITH LIMITED PROVIDER
6 NETWORK - POINT-OF-SERVICE OPTION - DISPUTE
7 RESOLUTION - DISCLOSURE OF INFORMATION.
8 1. Notwithstanding section 514C.6, a managed care
9 health plan or indemnity plan with a limited provider
10 network shall provide a point-of-service option to
11 patients as an additional benefit under such plan.
12 Provision of a point-of-service option may be subject
13 to a different copayment or deductible, but such a

14 different copayment or deductible shall not be set at
15 an amount which is more than ten percent greater than
16 the amount of the copayment or deductible under the
17 plan without the point-of-service option, unless
18 otherwise approved by the commissioner of insurance.

19 2. A managed care health plan or indemnity plan
20 with a limited provider network shall not require
21 consent to the disclosure of information, other than
22 patient name, diagnosis, and date and type of service,
23 as a condition of receiving benefits mandated by such
24 plan.

25 3. A managed care health plan or indemnity plan
26 with a limited provider network shall not refuse to
27 contract with or compensate for covered services an
28 otherwise eligible provider or nonparticipating
29 provider solely because that provider has in good
30 faith communicated with one or more of such provider's
31 current, former, or prospective patients regarding the
32 provisions, terms, or requirements of such plan as
33 they relate to the needs of the patient.

34 4. A managed care health plan or indemnity plan
35 with a limited provider network shall establish a
36 dispute resolution process to resolve any complaint
37 involving a dispute about an immediate and urgently
38 needed service that such plan determines to be
39 experimental, not medically necessary, or otherwise
40 not generally accepted by the medical profession. A
41 complaint filed under this subsection need not be in
42 writing. Such plan shall establish an expedited
43 dispute resolution process appropriate to the
44 particular situation in dispute. Such process shall
45 provide for the following:

46 a. Notification of the commissioner of insurance
47 by the end of the next business day after the day the
48 complaint is filed with the plan including the nature
49 of the complaint, the decision of the plan, if any,
50 and a description of the dispute resolution process

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1 used or being used, as appropriate.

2 b. If a decision has not been made by the end of
3 the next business day after the day the complaint is
4 filed, the plan shall notify the commissioner of
5 insurance of the decision of the plan by the end of
6 the next business day after the day the plan makes its
7 decision.

8 5. For purposes of this section, unless the
9 context otherwise requires:

10 a. "Managed care health plan or indemnity plan
11 with a limited provider network" means a health
12 maintenance organization, organized delivery system,
13 accountable health plan, health care insurance plan

14 which limits the number of licensed physicians who can
 15 provide services under the plan, preferred provider
 16 organization, exclusive provider organization,
 17 restricted access network, or similar health-care
 18 plan.

19 b. "Point-of-service option" means a delivery
 20 system that permits a patient to receive services
 21 outside the provider panel of the managed care health
 22 plan or indemnity plan with a limited provider network
 23 under the terms and conditions of such plan.

24 c. "Provider panel" means those providers with
 25 which a managed care health plan or indemnity plan
 26 with a limited provider network contracts to provide
 27 services to covered individuals under such plan."

JOCHUM of Dubuque

H-5814

1 Amend the amendment, H-5102, to House File 2298, as
 2 follows:

3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:

5 "_. Page 1, line 15, by inserting after the
 6 word "chapter" the following: "or to a provider
 7 licensed under chapter 149"."

8 2. By renumbering as necessary.

CHURCHILL of Polk

H-5815

1 Amend the amendment, H-5102, to House File 2298, as
 2 follows:

3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:

5 "_. Page 1, lines 7 and 8, by striking the
 6 words and figures "and licensed under chapter 148,
 7 150A, or 151".

8 _. Page 1, line 9, by striking the word and
 9 figure "chapter 151" and inserting the following:
 10 "any chapter".

11 _. Page 1, by striking lines 12 and 13 and
 12 inserting the following: "care provider physician, as
 13 defined in section 135.1. If a physician, as defined
 14 in section 135.1, determines".

15 _. Page 1, line 15, by inserting after the word
 16 "chapter" the following: "different from the chapter
 17 under which the physician making the referral is
 18 licensed".

19 _. Page 2, lines 6 and 7, by striking the words
 20 and figures "and licensed under chapter 148, 150A, or
 21 151".

22 2. By renumbering as necessary.

CHURCHILL of Polk

H-5816

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 1, by striking lines 19 and 20 and
- 6 inserting the following: "rate shall be the same for
- 7 each physician. Access to a".
- 8 2. By renumbering as necessary.

ERTL of Dubuque

H-5817

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 1, line 27, by inserting after the
- 6 word "physician" the following: ", except with
- 7 respect to a podiatrist".
- 8 2. By renumbering as necessary.

ERTL of Dubuque

H-5818

- 1 Amend the Senate amendment, H-5756, to House File
- 2 2419, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 9.
- 5 2. Page 1, line 21, by inserting after the word
- 6 "replacement," the following: "requiring sixty-day
- 7 property payments,".
- 8 3. By renumbering as necessary.

HEATON of Henry

H-5819

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, by striking lines 19 and 20 and
- 3 inserting the following: "rate shall be the same for
- 4 each physician. Access to a".

ERTL of Dubuque

H-5820

- 1 Amend House File 2298, as follows:
- 2 1. Page 1, line 27, by inserting after the word
- 3 "physician" the following: ", except with respect to
- 4 a podiatrist".

ERTL of Dubuque

H-5822

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "148," the following: "including a pediatrician,".

GRUNDBERG of Polk

H-5823

- 1 Amend the amendment, H-5102, to House File 2298 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 1, line 12, by inserting after the
- 6 figure "148," the following: "including an
- 7 obstetrician and gynecologist,".

GRUNDBERG of Polk

H-5824

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "148," the following: "including an obstetrician and
- 4 gynecologist,".

GRUNDBERG of Polk

H-5825

- 1 Amend House File 2298, as follows:
- 2 1. Page 2, line 7, by inserting after the figure
- 3 "151." the following: "For purposes of this section,
- 4 "primary care provider" means, in addition to any
- 5 other primary care physician, a pediatrician."

GRUNDBERG of Polk

H-5826

- 1 Amend House File 2298 as follows:
- 2 1. Page 2, line 7, by inserting after the figure
- 3 "151." the following: "For purposes of this section,
- 4 "primary care provider" means, in addition to any
- 5 other primary care physician, an orthopedic surgeon."

GRUNDBERG of Polk

H-5827

- 1 Amend House File 2298, as follows:
- 2 1. Page 2, line 7, by inserting after the figure
- 3 "151." the following: "For purposes of this section,
- 4 "primary care provider" means, in addition to any
- 5 other primary care physician, an obstetrician and
- 6 gynecologist."

GRUNDBERG of Polk

H-5828

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "148," the following: "including an orthopedic
- 4 surgeon,".

GRUNDBERG of Polk

H-5829

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 2, line 7, by inserting after the
- 6 figure "151." the following: "For purposes of this
- 7 section, "primary care provider" means, in addition to
- 8 any other primary care physician, an orthopedic
- 9 surgeon.""

GRUNDBERG of Polk

H-5830

- 1 Amend the amendment, H-5102, to House File 2298 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 1, line 12, by inserting after the
- 6 figure "148," following: "including a
- 7 pediatrician,".

GRUNDBERG of Polk

H-5831

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 2, line 7, by inserting after the
- 6 figure "151." the following: "For purposes of this
- 7 section, "primary care provider" means, in addition to
- 8 any other primary care physician, an obstetrician and
- 9 gynecologist.""

GRUNDBERG of Polk

H-5832

- 1 Amend the amendment, H-5102, to House File 2298, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 2, line 7, by inserting after the

6 figure "151." the following: "For purposes of this
7 section, "primary care provider" means, in addition to
8 any other primary care physician, a pediatrician."

GRUNDBERG of Polk

H-5833

1 Amend the amendment, H-5102, to House File 2298 as
2 follows:

3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:

5 " Page 1, line 12, by inserting after the
6 figure "148," the following: "including an orthopedic
7 surgeon,".

GRUNDBERG of Polk

H-5834

1 Amend the House amendment, S-5613, to Senate File
2 2446, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 5, through page 16,
5 line 38, and inserting the following:

6 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

7 Section 1. GENERAL APPROPRIATION. There is
8 appropriated from the general fund of the state to the
9 department of agriculture and land stewardship for the
10 fiscal year beginning July 1, 1996, and ending June
11 30, 1997, the following amounts, or so much thereof as
12 is necessary, to be used for the purposes designated:

13 1. ADMINISTRATIVE DIVISION

14 a. For salaries, support, maintenance, the support
15 of the state 4-H foundation, support of the statistics
16 bureau, and miscellaneous purposes, and for the
17 salaries and support of not more than the following
18 full-time equivalent positions:

19	\$	1,636,111
20	FTEs	42.45

21 (1) Of the funds appropriated in this paragraph
22 "a", \$322,406 and 7.00 FTEs shall be used to support
23 horticulture. The president of the state horticulture
24 society or the president's designee and the department
25 shall consult and mutually agree on all expenditures
26 of moneys in this subparagraph and on the filling of
27 full-time equivalent positions, as allocated in this
28 subparagraph.

29 (2) Of the amount appropriated in this paragraph
30 "a", \$50,000 shall be allocated to the state 4-H
31 foundation to foster the development of Iowa's youth
32 and to encourage them to study the subject of
33 agriculture.

34 (3) Of the amount appropriated and full-time

35 equivalent positions authorized in this paragraph "a",
 36 \$130,519 and 4.00 FTEs shall be allocated to the
 37 statistics bureau to provide county-by-county
 38 information on land in farms, production by crop,
 39 acres by crop, and county prices by crop. This
 40 information shall be made available to the department
 41 of revenue and finance for use in the productivity
 42 formula for valuing and equalizing the values of
 43 agricultural land.

44 (4) Of the amount appropriated in this paragraph
 45 "a", not more than \$5,000 shall be allocated to the
 46 Iowa limousin cattle junior association in connection
 47 with the 1996 national junior limousin cattle show.

48 (5) Of the amount appropriated in this paragraph
 49 "a", \$500 shall be allocated as state aid to support
 50 the north Iowa poultry expo.

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1	b. For the operations of the dairy trade practices		
2	bureau:		
3	\$	66,846
4	c. For the purpose of performing commercial feed		
5	audits:		
6	.....	\$	64,698
7	d. For the purpose of performing fertilizer		
8	audits:		
9	.....	\$	64,697

2. REGULATORY DIVISION

11	a. For salaries, support, maintenance,		
12	miscellaneous purposes, and for not more than the		
13	following full-time equivalent positions:		
14	.....	\$	3,848,960
15	.....	FTEs	122.50

16	b. For the costs of inspection, sampling,		
17	analysis, and other expenses necessary for the		
18	administration of chapters 192, 194, and 195:		
19	.....	\$	651,220

3. LABORATORY DIVISION

21	a. For salaries, support, maintenance, and		
22	miscellaneous purposes, including the administration		
23	of the gypsy moth program, and for not more than the		
24	following full-time equivalent positions:		
25	.....	\$	959,475
26	.....	FTEs	85.10

27 (1) Of the amount appropriated in this paragraph
 28 "a", \$110,000 shall be used to administer a program
 29 relating to the detection, surveillance, and
 30 eradication of the gypsy moth. The department shall
 31 allocate and use the appropriation made in this
 32 paragraph before moneys other than those appropriated
 33 in this paragraph are used to support the program.

34 (2) Of the amount appropriated and the number of

35 full-time equivalent positions authorized in this
 36 paragraph "a", \$49,850 and 1.00 FTE shall be used to
 37 support a regional entomologist for purposes of
 38 conducting laboratory inspection activities.

39 (3) Of the amount appropriated in this paragraph
 40 "a", \$82,000 shall be used for the acquisition of
 41 laboratory equipment, including, but not limited to, a
 42 fat analyzer and a nitrogen protein combustion
 43 analyzer.

44 (4) Of the amount appropriated in this paragraph
 45 "a", \$25,000 shall be used for inspections of bottled
 46 water sold commercially within the state.

47 (5) Of the number of full-time equivalent
 48 positions authorized in this paragraph "a" and funded
 49 in paragraph "c", 1.00 FTE shall be used to support an
 50 organics program coordinator who shall assure

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1 compliance of organic foods sold commercially within
 2 the state with federal regulations relating to organic
 3 foods.

4 b. For the operations of the commercial feed
 5 programs:

6 \$ 742,499

7 c. For the operations of the pesticide programs:

8 \$ 1,291,781

9 Of the amount appropriated in this paragraph "c",
 10 \$200,000 shall be allocated to Iowa state university
 11 for purposes of training commercial pesticide
 12 applicators.

13 d. For the operations of the fertilizer programs:

14 \$ 633,832

15 4. SOIL CONSERVATION DIVISION

16 a. For salaries, support, maintenance, assistance
 17 to soil conservation districts, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:

20 \$ 6,045,591

21 FTEs 172.28

22 (1) Of the amount appropriated in this paragraph
 23 "a", \$330,000 shall be used to reimburse commissioners
 24 of soil and water conservation districts for
 25 administrative expenses. Moneys used for the payment
 26 of meeting dues by counties shall be matched on a
 27 dollar-for-dollar basis by the soil conservation
 28 division.

29 (2) Of the amount appropriated in this paragraph
 30 "a", \$42,000 shall be used to support soil and water
 31 conservation district development including the
 32 training of soil and water conservation district
 33 staff.

34 (3) Of the amount appropriated and the number of

35 full-time equivalent positions authorized in this
36 paragraph "a", \$56,000 and 1.00 FTE shall be used to
37 support a position for oversight of financial
38 incentive programs.

39 b. To provide financial incentives for soil
40 conservation practices under chapter 161A:

41 \$ 6,750,850

42 c. The following requirements apply to the moneys
43 appropriated in paragraph "b":

44 (1) Not more than 5 percent of the moneys
45 appropriated in paragraph "b" may be allocated for
46 cost sharing to abate complaints filed under section
47 161A.47.

48 (2) Of the moneys appropriated in paragraph "b", 5
49 percent shall be allocated for financial incentives to
50 establish practices to protect watersheds above

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1 publicly owned lakes of the state from soil erosion
2 and sediment as provided in section 161A.73.

3 (3) Not more than 30 percent of a district's
4 allocation of moneys as financial incentives may be
5 provided for the purpose of establishing management
6 practices to control soil erosion on land that is row
7 cropped, including but not limited to no-till
8 planting, ridge-till planting, contouring, and contour
9 strip-cropping as provided in section 161A.73.

10 (4) The state soil conservation committee created
11 in section 161A.4 may allocate moneys to conduct
12 research and demonstration projects to promote
13 conservation tillage and nonpoint source pollution
14 control practices.

15 (5) The financial incentive payments may be used
16 in combination with department of natural resources
17 moneys.

18 d. The provisions of section 8.33 shall not apply
19 to the moneys appropriated in paragraph "b".
20 Unencumbered or unobligated moneys remaining on June
21 30, 2000, from moneys appropriated in paragraph "b"
22 for the fiscal year beginning July 1, 1996, shall
23 revert to the general fund on August 31, 2000.

24 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
25 appropriated from the general fund of the state to the
26 department of agriculture and land stewardship for the
27 fiscal year beginning July 1, 1996, and ending June
28 30, 1997, the following amount, or so much thereof as
29 is necessary, to be used for the purposes designated:

30 For salaries, support, maintenance, and
31 miscellaneous purposes, to be used by the department
32 to continue and expand the farmers' market coupon
33 program by providing federal special supplemental food
34 program recipients with coupons redeemable at farmers'

35 markets, and for not more than the following full-time
 36 equivalent positions:
 37 \$ 215,807
 38 FTEs 1.00
 39 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.
 40 1. There is appropriated from the general fund of
 41 the state to the department of agriculture and land
 42 stewardship for the fiscal year beginning July 1,
 43 1996, and ending June 30, 1997, the following amount,
 44 or so much thereof as is necessary, to be used for the
 45 purpose designated:
 46 For support of the pseudorabies eradication
 47 program:
 48 \$ 900,300
 49 2. Persons, including organizations interested in
 50 swine production in this state and in the promotion of

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1 Iowa pork products who contribute support to the
 2 program, are encouraged to increase financial support
 3 for purposes of ensuring the program's effective
 4 continuation.
 5 Sec. 4. HORSE AND DOG RACING. There is
 6 appropriated from the moneys available under section
 7 99D.13 to the regulatory division of the department of
 8 agriculture and land stewardship for the fiscal year
 9 beginning July 1, 1996, and ending June 30, 1997, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purpose designated:
 12 For salaries, support, maintenance, and
 13 miscellaneous purposes for the administration of
 14 section 99D.22:
 15 \$ 192,560
 16 Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN
 17 MARKETING. There is appropriated from the general
 18 fund of the state to the interstate agricultural grain
 19 marketing commission for the fiscal year beginning
 20 July 1, 1996, and ending June 30, 1997, the following
 21 amount, or so much thereof as is necessary, to be used
 22 for the purpose designated:
 23 For carrying out duties of the commission as
 24 provided in Article IV of the interstate compact on
 25 agricultural grain marketing as provided in chapter
 26 183:
 27 \$ 80,000
 28 DEPARTMENT OF NATURAL RESOURCES
 29 Sec. 6. GENERAL APPROPRIATION. There is
 30 appropriated from the general fund of the state to the
 31 department of natural resources for the fiscal year
 32 beginning July 1, 1996, and ending June 30, 1997, the
 33 following amounts, or so much thereof as is necessary,
 34 to be used for the purposes designated:

35	1. ADMINISTRATIVE AND SUPPORT SERVICES		
36	For salaries, support, maintenance, miscellaneous		
37	purposes, and for not more than the following full-		
38	time equivalent positions:		
39	.....	\$	2,052,389
40	.....	FTEs	119.25
41	2. PARKS AND PRESERVES DIVISION		
42	For salaries, support, maintenance, miscellaneous		
43	purposes, and for not more than the following full-		
44	time equivalent positions:		
45	.....	\$	5,546,988
46	.....	FTEs	195.73
47	3. FORESTS AND FORESTRY DIVISION		
48	For salaries, support, maintenance, miscellaneous		
49	purposes, and for not more than the following full-		
50	time equivalent positions:		

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1	\$	1,494,908
2	FTEs	48.71
3	4. ENERGY AND GEOLOGICAL RESOURCES DIVISION		
4	For salaries, support, maintenance, miscellaneous		
5	purposes, and for not more than the following full-		
6	time equivalent positions:		
7	.....	\$	1,681,228
8	.....	FTEs	52.00
9	5. a. ENVIRONMENTAL PROTECTION DIVISION		
10	(1) For salaries, support, maintenance,		
11	miscellaneous purposes, and for not more than the		
12	following full-time equivalent positions:		
13	.....	\$	1,917,509
14	.....	FTEs	211.50
15	(2) Of the amount appropriated and the number of		
16	full-time equivalent positions authorized in		
17	subparagraph (1) at least \$371,600 and 7.00 FTEs shall		
18	be used to support the regulation of animal feeding		
19	operations.		
20	b. WATER QUALITY PROTECTION FUND		
21	For allocation to the administrative account of the		
22	water quality protection fund established pursuant to		
23	section 455B.183A, to carry out the purpose of that		
24	account:		
25	.....	\$	729,000
26	(1) Of the number of full-time equivalent		
27	positions authorized in paragraph "a", 32.50 FTEs		
28	shall be dedicated to carrying out the provisions of		
29	chapter 455B relating to the administration,		
30	regulation, and enforcement of the federal Safe		
31	Drinking Water Act and to support the program to		
32	assist water supply systems as provided in section		
33	455B.183B. However, the limitation on full-time		
34	equivalent positions provided in paragraph "a", shall		

35 not limit the number of additional full-time
 36 equivalent positions supported by moneys deposited in
 37 the water quality protection fund as provided in
 38 section 455B.183A, in order to carry out the
 39 provisions of division III of chapter 455B relating to
 40 the administration, regulation, and enforcement of the
 41 federal Safe Drinking Water Act, and the
 42 administration of the program to assist water supply
 43 systems pursuant to section 455B.183B.
 44 (2) In providing assistance to water supply
 45 systems, the department shall provide priority to
 46 water supply systems serving a population of seven
 47 thousand or less. At least 2.00 FTEs shall be
 48 allocated to provide assistance to systems serving a
 49 population of seven thousand or less.
 50 6. FISH AND WILDLIFE DIVISION

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1 For not more than the following full-time
 2 equivalent positions:
 3 FTEs 342.18
 4 7. WASTE MANAGEMENT ASSISTANCE DIVISION
 5 For not more than the following full-time
 6 equivalent positions:
 7 FTEs 16.75
 8 Sec. 7. STATE FISH AND GAME PROTECTION FUND -
 9 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.
 10 1. There is appropriated from the state fish and
 11 game protection fund to the division of fish and
 12 wildlife of the department of natural resources for
 13 the fiscal year beginning July 1, 1996, and ending
 14 June 30, 1997, the following amount, or so much
 15 thereof as is necessary, to be used for the purposes
 16 designated:
 17 For administrative support, and for salaries,
 18 support, maintenance, equipment, and miscellaneous
 19 purposes:
 20 \$ 21,365,891
 21 2. The department shall not expend more moneys
 22 from the fish and game protection fund than provided
 23 in this section, unless the expenditure derives from
 24 contributions made by a private entity, or a grant or
 25 moneys received from the federal government, and is
 26 approved by the natural resource commission. The
 27 department of natural resources shall promptly notify
 28 the legislative fiscal bureau and the chairpersons and
 29 ranking members of the joint appropriations
 30 subcommittee on agriculture and natural resources
 31 concerning the commission's approval.
 32 Sec. 8. MARINE FUEL TAX RECEIPTS - BOATING
 33 FACILITIES AND ACCESS. There is appropriated from the
 34 marine fuel tax receipts deposited in the general fund

35 of the state to the department of natural resources
36 for the fiscal year beginning July 1, 1996, and ending
37 June 30, 1997, the following amount, or so much
38 thereof as is necessary, to be used for the purpose
39 designated:

40 For purposes of maintaining and developing boating
41 facilities and access to public waters by the parks
42 and preserves division:

43 \$ 411,311

44 Sec. 9. SNOWMOBILE FEES - TRANSFER FOR
45 ENFORCEMENT PURPOSES. There is transferred on July 1,
46 1996, from the fees deposited under section 321G.7 to
47 the fish and game protection fund and appropriated to
48 the department of natural resources for the fiscal
49 year beginning July 1, 1996, and ending June 30, 1997,
50 the following amount, or so much thereof as is

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1 necessary, to be used for the purpose designated:

2 For the purpose of enforcing snowmobile laws as
3 part of the state snowmobile program administered by
4 the department of natural resources:

5 \$ 100,000

6 Sec. 10. VESSEL FEES - TRANSFER FOR ENFORCEMENT
7 PURPOSES. There is transferred on July 1, 1996, from
8 the fees deposited under section 462A.52 to the fish
9 and game protection fund and appropriated to the
10 department of natural resources for the fiscal year
11 beginning July 1, 1996, and ending June 30, 1997, the
12 following amount, or so much thereof as is necessary,
13 to be used for the purpose designated:

14 For the administration and enforcement of
15 navigation laws and water safety:

16 \$ 1,325,000

17 Of the amount appropriated in this section,
18 \$125,000 shall be used for purposes of controlling and
19 eradicating harmful exotic species and eurasian
20 milfoil.

21 Notwithstanding section 8.33, moneys transferred
22 pursuant to this section which are unencumbered or
23 unobligated on June 30, 1997, shall be transferred on
24 July 1, 1997, to the special conservation fund
25 established by section 462A.52 to be used as provided
26 in that section, and shall not revert as provided in
27 section 8.33.

28 RESOURCES ENHANCEMENT AND PROTECTION

29 Sec. 11. GENERAL APPROPRIATION. Notwithstanding
30 the amount of the standing appropriation from the
31 general fund of the state under section 455A.18,
32 subsection 3, there is appropriated from the general
33 fund of the state to the Iowa resources enhancement
34 and protection fund, in lieu of the appropriation made

35 in section 455A.18, for the fiscal year beginning July
36 1, 1996, and ending June 30, 1997, the sum of
37 \$10,000,000, of which all moneys shall be allocated as
38 provided in section 455A.19.

39 RELATED APPROPRIATIONS

40 Sec. 12. APPROPRIATION FROM ORGANIC NUTRIENT
41 MANAGEMENT FUND. There is appropriated from the
42 organic nutrient management fund, as created in
43 section 161C.5, to the following entities in the
44 fiscal year beginning July 1, 1996, and ending June
45 30, 1997, the following amounts, or so much thereof as
46 is necessary, to be used for the purposes designated:

47 1. To Iowa state university for supporting odor
48 control applications of animal feeding operations,
49 including confinement feeding operations, regulated by
50 the department of natural resources pursuant to

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1 chapter 455B:
2 \$ 350,000

3 a. Moneys provided under this subsection for odor
4 control applications of animal feeding operations
5 shall be provided on a dollar-for-dollar match with an
6 individual owner or operator and shall not exceed the
7 amount actually spent by or on behalf of the owner or
8 operator for odor control.

9 b. Notwithstanding section 8.33, moneys provided
10 under this subsection for odor control applications of
11 animal feeding operations shall not revert to the
12 organic nutrient management fund but shall remain
13 available for use as provided in this subsection
14 during the fiscal year beginning July 1, 1997, and
15 ending June 30, 1998. The moneys appropriated in this
16 subsection which remain unexpended or unobligated on
17 June 30, 1998, shall revert to the organic nutrient
18 management fund on August 31, 1998.

19 2. To the department of natural resources for
20 establishment of a pilot project for the control of
21 odor originating from animal feeding operation
22 structures, including anaerobic lagoons and earthen
23 manure storage basins, by using emergent plant or
24 vegetative growth:
25 \$ 25,000

26 On or before January 1, 1997, the department of
27 natural resources shall submit a report including
28 findings and recommendations resulting from the pilot
29 project to the committees of the general assembly
30 which have jurisdiction over agriculture and natural
31 resources.

32 3. To Iowa state university for supporting a
33 person connected with the United States department of
34 agriculture who engages in animal control, for

35 purposes of contributing to the control of animals,
 36 and especially predators, which pose a threat to this
 37 state's agriculture:
 38 \$ 50,000
 39 4. To the department of agriculture and land
 40 stewardship for the administration of a grant project
 41 to support a cattle slaughtering and beef processing
 42 facility in this state:
 43 \$ 150,000
 44 Not later than September 1, 1996, the department
 45 shall award \$75,000 to an eligible person for purposes
 46 of conducting a feasibility and planning study for the
 47 construction of the cattle slaughtering and beef
 48 processing facility. If another person is not
 49 selected by January 1, 1997, the department shall
 50 award the remaining \$75,000 to the same person for

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1 purposes of completing the study. A person receiving
 2 an award must be an entity organized to do business
 3 under the laws of this state and principally located
 4 in this state. The business entity must make a
 5 commitment to invest at least \$25,000,000 for the
 6 construction and operation of the proposed cattle
 7 slaughtering and beef processing facility, if, based
 8 on the study, the business entity constructs the
 9 facility. The department, in cooperation with the
 10 department of economic development, shall establish
 11 criteria, select eligible business entities, and make
 12 awards as directed by the agricultural products
 13 advisory council established pursuant to section
 14 15.203.

15 5. To the department of natural resources for
 16 supporting the environmental education initiative
 17 pursuant to section 258B.1, as enacted in this Act:
 18 \$ 150,000

19 Sec. 13. ATTORNEY GENERAL INVESTIGATORS - ANIMAL
 20 FEEDING OPERATIONS. There is appropriated from the
 21 general fund of the state to the office of attorney
 22 general for the fiscal year beginning July 1, 1996,
 23 and ending June 30, 1997, the following amount, or so
 24 much thereof as is necessary, to be used for the
 25 purpose designated:
 26 For the investigation of animal feeding operations
 27 regulated under chapter 455B, including salaries,
 28 support, maintenance, miscellaneous purposes, and for
 29 not more than the following full-time equivalent
 30 positions:
 31 \$ 109,000
 32 FTEs 2.00
 33 Persons employed as investigators under this
 34 section shall investigate animal feeding operations,

35 including by inspecting animal feeding operations, and
 36 especially confinement feeding operations and the
 37 storage and disposal of manure from animal feeding
 38 operations, to ensure compliance with state law,
 39 including chapter 455B and rules adopted by the
 40 department of natural resources. Each investigator
 41 shall have an office in and investigate a region of
 42 the state where there is a high concentration of
 43 confinement feeding operations. An investigator may
 44 inspect an animal feeding operation at any time during
 45 normal working hours or at other times if exigent
 46 circumstances exist, and may examine records required
 47 to be maintained as part of a manure management plan
 48 required pursuant to section 455B.203. In order to
 49 access the animal feeding operation during normal
 50 business hours, the investigator must comply with

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1 standard disease control restrictions customarily
 2 required by the operation. The investigator shall
 3 comply with the requirements in section 455B.103 to
 4 the same extent required by the director of the
 5 department of natural resources conducting an
 6 inspection or search of property. The attorney
 7 general and the department of natural resources shall
 8 cooperate in carrying out this section. Each four
 9 months, the attorney general shall submit a report
 10 regarding violations investigated and prosecuted by
 11 the attorney general to the secretary of the senate
 12 and to the chief clerk of the house of
 13 representatives.

14 Sec. 14. MULTIFLORA ROSE ERADICATION.

15 1. There is appropriated from the general fund of
 16 the state to Iowa state university for the fiscal year
 17 beginning July 1, 1996, and ending June 30, 1997, the
 18 following amount, or so much thereof as is necessary,
 19 to be used for the purpose designated:

20 For supporting multiflora rose eradication research
 21 and projects:
 22 \$ 25,000

23 2. Notwithstanding 1995 Iowa Acts, chapter 216,
 24 section 19, subsection 2, moneys allocated pursuant to
 25 1995 Iowa Acts, chapter 216, section 19, subsection 1,
 26 paragraph "d", which remain unencumbered or
 27 unobligated on June 30, 1996, shall not revert
 28 pursuant to section 8.33, but shall remain available
 29 to Iowa state university for purposes of supporting
 30 multiflora rose eradication research and projects, for
 31 subsequent fiscal years.

32 Sec. 15. NONREVERSION OF MONEYS ALLOCATED TO IOWA
 33 GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa
 34 Acts, chapter 216, section 19, subsection 2, moneys

35 allocated pursuant to 1995 Iowa Acts, chapter 216,
 36 section 19, subsection 1, paragraph "f", subparagraph
 37 (1), which remain unencumbered or unobligated on June
 38 30, 1996, shall not revert pursuant to section 8.33,
 39 but shall remain available to Iowa state university
 40 for purposes of supporting the Iowa cooperative
 41 extension service in agriculture and home economics in
 42 establishing and administering an Iowa grain quality
 43 initiative in subsequent fiscal years.
 44 Sec. 16. TRANSFERS OF MONEYS REQUIRED TO BE
 45 DEPOSITED IN THE WATER PROTECTION FUND.
 46 Notwithstanding section 161C.4 and the reversion and
 47 allocation provisions in section 455A.19, subsection
 48 1, paragraph "c", of the unencumbered and unobligated
 49 moneys remaining, which are required to be deposited
 50 in the water protection fund created in section

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1 161C.4, as provided in section 455A.19, subsection 1,
 2 paragraph "c", the following amount shall be
 3 transferred first from moneys required to be deposited
 4 in the water protection practices account, and if
 5 necessary from moneys required to be deposited in the
 6 water quality protection projects account, which shall
 7 be used for the following purposes:

8 To the Loess Hills development and conservation
 9 authority, for deposit in the Loess Hills development
 10 and conservation fund created in section 161D.2 for
 11 the purposes specified in section 161D.1:

12 \$ 400,000

13 Sec. 17. REVENUE ADMINISTERED BY THE IOWA
 14 COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD -
 15 TRANSFER. There is appropriated from the unassigned
 16 revenue fund administered by the Iowa comprehensive
 17 underground storage tank fund board, to the department
 18 of natural resources for the fiscal year beginning
 19 July 1, 1996, and ending June 30, 1997, the following
 20 amount, or so much thereof as is necessary, to be used
 21 for the purpose designated:

22 For administration expenses of the underground
 23 storage tank section of the department of natural
 24 resources:

25 \$ 75,000

26 Sec. 18. TRANSFER - AIR QUALITY. For the fiscal
 27 year beginning July 1, 1996, and ending June 30, 1997,
 28 the department of natural resources may transfer up to
 29 \$430,000 from the hazardous substance remedial fund
 30 created pursuant to section 455B.423, to support
 31 purposes related to carrying out the duties of the
 32 commission under section 455B.133, or the director
 33 under section 455B.134, or for carrying out the
 34 provisions of chapter 455B, division II.

35

MISCELLANEOUS

36 Sec. 19. STUDY OF LOCATING FIELD OFFICE IN NORTH
 37 CENTRAL DISTRICT. The department of natural resources
 38 shall conduct a study of the feasibility of locating a
 39 field office in the department's north central
 40 district. On or before January 1, 1997, the
 41 department of natural resources shall submit a report
 42 including findings and recommendations resulting from
 43 the study to the committees of the general assembly
 44 which have jurisdiction over natural resources.
 45 Sec. 20. IOWA AGRICULTURE 2000 CONFERENCE. There
 46 is appropriated from the general fund of the state to
 47 Iowa state university for the fiscal year beginning
 48 July 1, 1996, and ending June 30, 1997, the following
 49 amount, or so much thereof as is necessary, to be used
 50 for the purpose designated:

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1 To support Iowa state university, in cooperation
 2 with the farm section of the attorney general's
 3 office, in sponsoring an Iowa agriculture 2000
 4 conference, with assistance provided by the department
 5 of agriculture and land stewardship and Iowa commodity
 6 organizations, for independent agricultural producers
 7 and other persons interested in the future of Iowa
 8 agriculture:

9 \$ 80,000

10 Moneys appropriated by this section shall be used
 11 to defray expenses incurred by Iowa state university
 12 and the farm section of the attorney general's office
 13 in planning and sponsoring the conference.

14 Sec. 21. STATE NURSERIES. Notwithstanding section
 15 17A.2, subsection 10, paragraph "g", the department of
 16 natural resources shall adopt administrative rules
 17 establishing a range of prices of plant material grown
 18 at the state forest nurseries to cover all expenses
 19 related to the growing of the plants.

20 1. The department shall develop programs to
 21 encourage the wise management and preservation of
 22 existing woodlands and shall continue its efforts to
 23 encourage forestation and reforestation on private and
 24 public lands in the state.

25 2. The department shall encourage a cooperative
 26 relationship between the state forest nurseries and
 27 private nurseries in the state in order to achieve
 28 these goals.

29 Sec. 22. TRANSFER OF MONEYS OR POSITIONS; CHANGES
 30 IN TABLES OF ORGANIZATION - NOTIFICATION. In
 31 addition to the requirements of section 8.39, in each
 32 fiscal quarter, the department of agriculture and land
 33 stewardship and the department of natural resources
 34 shall notify the chairpersons, vice chairpersons, and

35 ranking members of the joint appropriations
 36 subcommittee on agriculture and natural resources for
 37 the previous fiscal quarter of any transfer of moneys
 38 or full-time equivalent positions made by either
 39 department which is not authorized in this Act, or any
 40 permanent position added to or deleted from either
 41 department's table of organization.
 42 Sec. 23. AIR QUALITY PROGRAM – NONGENERAL FUND
 43 SUPPORT. The department of natural resources for the
 44 fiscal year beginning July 1, 1996, and ending June
 45 30, 1997, shall not use moneys appropriated from the
 46 general fund of the state pursuant to this Act, to
 47 support any purpose related to carrying out the duties
 48 of the commission under section 455B.133 or the
 49 director under section 455B.134, or for carrying out
 50 the provisions of chapter 455B, division II.

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1 Notwithstanding section 455B.133B, the department
 2 may use moneys deposited in the air contaminant source
 3 fund created in section 455B.133B during the fiscal
 4 year beginning July 1, 1996, and ending June 30, 1997,
 5 for any purpose related to carrying out the duties of
 6 the commission under section 455B.133 or the director
 7 under section 455B.134, or for carrying out the
 8 provisions of chapter 455B, division II.

9 Sec. 24. RULES RELATING TO PESTICIDE AND
 10 FERTILIZER CONTAMINATED SITES – ENVIRONMENTAL
 11 PROTECTION COMMISSION. The environmental protection
 12 commission shall adopt all rules required to establish
 13 criteria for the classification and prioritization of
 14 sites upon which pesticide or fertilizer contamination
 15 has been discovered, as provided in section 455B.601
 16 not later than October 1, 1996.

17 Sec. 25. NATIVE AMERICAN WAR MEMORIAL. The
 18 department of natural resources may purchase, with
 19 funds which become available under chapter 465A for
 20 the fiscal year beginning July 1, 1996, and ending
 21 June 30, 1997, lands on which to locate a native
 22 American war memorial.

23 STATUTORY CHANGES

24 Sec. 26. NEW SECTION. 2.55A DEPARTMENTAL
 25 INFORMATION REQUIRED.

26 1. The department of agriculture and land
 27 stewardship and the department of natural resources,
 28 in cooperation as necessary with the department of
 29 management and the department of personnel, shall
 30 provide a list to the legislative fiscal bureau, on a
 31 quarterly basis, of all permanent positions added to
 32 or deleted from the departments' table of organization
 33 in the previous fiscal quarter. This list shall
 34 include at least the position number, salary range,

35 projected funding source or sources of each position,
36 and the reason for the addition or deletion. The
37 legislative fiscal bureau may use this information to
38 assist in the establishment of the full-time
39 equivalent position limits authorized in law for the
40 departments.

41 2. The department of natural resources shall
42 provide the legislative fiscal bureau information and
43 financial data by cost center, on at least a monthly
44 basis, relating to the indirect cost accounting
45 procedure, the amount of funding from each funding
46 source for each cost center, and the internal budget
47 system used by the department. The information shall
48 include but is not limited to financial data covering
49 the department's budget by cost center and funding
50 source prior to the start of the fiscal year, and to

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1 the department's actual expenditures by cost center
2 and funding source after the accounting system has
3 been closed for that fiscal year.

4 3. The department of agriculture and land
5 stewardship shall provide the legislative fiscal
6 bureau information and financial data on at least a
7 monthly basis, relating to the internal budget system
8 used by the department. The information shall include
9 but is not limited to financial data covering the
10 department's budget prior to the start of the fiscal
11 year, and to the department's actual expenditures
12 after the accounting system has been closed for that
13 fiscal year.

14 Sec. 27. NEW SECTION. 8.60A TRUST FUND
15 INFORMATION.

16 The department of revenue and finance in
17 cooperation with each appropriate agency shall track
18 receipts to the general fund of the state which under
19 law were previously collected to be used for specific
20 purposes, or to be credited to, or be deposited to a
21 particular account or fund, as provided in section
22 8.60.

23 The department of revenue and finance and each
24 appropriate agency shall prepare reports detailing
25 revenue from receipts previously deposited into each
26 of the funds. A report shall be submitted to the
27 legislative fiscal bureau at least once for each
28 three-month period as designated by the legislative
29 fiscal bureau.

30 Sec. 28. Section 166D.10, Code 1995, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 4. In addition to other
33 applicable requirements of this section, feeder swine
34 shall not be moved into this state from another state

35 except to slaughter, unless the feeder swine are
36 vaccinated by a differentiable vaccine within ninety
37 days of arrival in this state.

38 Sec. 29. NEW SECTION. 258B.1 RESIDENTIAL
39 ENVIRONMENTAL EDUCATION PROGRAMS – APPROPRIATION.

40 1. A residential environmental education program
41 is created to recognize the critical role that both
42 direct experience with the outdoors and a several-day
43 residential experience away from home and the formal
44 school environment play in the formation of an
45 environmentally literate citizenry.

46 2. Phase I of the program shall provide
47 supplemental funding of thirty-five dollars per pupil
48 to school districts that choose to provide for the
49 attendance of the pupils in one grade level at a
50 certified residential environmental education center.

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1 To receive this funding, school districts must provide
2 proof of attendance by their pupils at such a center
3 and participation by pupils in a certified program for
4 a minimum of three consecutive days for each pupil.
5 In addition, school districts shall submit evidence of
6 matching contributions of at least fifty percent of
7 the total program cost. Local school districts shall
8 choose the grade level and the time of year they feel
9 is most developmentally appropriate for this
10 residential experience.

11 3. Phase II of the program shall consist of all of
12 the following:

13 a. Development of certification criteria for
14 facilities, staff, and programs.

15 b. Census of existing facilities, staff, and
16 programs relative to the certification criteria.

17 c. Assessment of the needs of these facilities.

18 4. The program shall be administered cooperatively
19 by the department of education and the department of
20 natural resources.

21 Sec. 30. Section 455A.18, subsection 3, unnumbered
22 paragraph 1, Code 1995, is amended to read as follows:

23 For each fiscal year of the fiscal period beginning
24 July 1, ~~1990~~ 1997, and ending June 30, ~~2001~~ 2021,
25 there is appropriated from the general fund, to the
26 Iowa resources enhancement and protection fund, the
27 amount of ~~thirty~~ twenty million dollars, ~~except that~~
28 ~~for the fiscal year beginning July 1, 1990, the amount~~
29 ~~is twenty million dollars,~~ to be used as provided in
30 this chapter. However, in any fiscal year of the
31 fiscal period, if moneys from the lottery are
32 appropriated by the state to the fund, the amount
33 appropriated under this subsection shall be reduced by
34 the amount appropriated from the lottery.

35 Sec. 31. NEW SECTION. 455A.21 PREFERENCE
 36 PROVIDED - PERSONS MEETING ELIGIBILITY REQUIREMENTS
 37 OF THE GREEN THUMB PROGRAM.

38 In its employment of persons in temporary positions
 39 in conservation and outdoor recreation, the department
 40 of natural resources shall give preference to persons
 41 meeting eligibility requirements for the green thumb
 42 program under section 15.227 and to persons working
 43 toward an advanced education in natural resources and
 44 conservation.

45 Sec. 32. NEW SECTION. 456A.37 NONGAME WILDLIFE-
 46 ORIENTED EDUCATION.

47 The department shall establish a nongame wildlife-
 48 oriented education initiative. In administering the
 49 initiative, the department shall do all of the
 50 following:

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1 1. Develop and support a comprehensive nongame
 2 wildlife-oriented education program to be implemented
 3 through the schools, county conservation boards, and
 4 the department.

5 2. Enhance opportunities for personal contact
 6 with, and the public's appreciation for, all types of
 7 wildlife by developing facilities for public
 8 appreciation of wildlife.

9 3. Protect, develop, and manage habitats to
 10 enhance nongame populations on public and private
 11 lands through habitat development and acquisition.

12 4. Develop and support nongame wildlife species
 13 management, research, and surveys.

14 5. Adopt programs administered by the division of
 15 fish and wildlife relating to wildlife diversity as
 16 provided by rule adopted pursuant to chapter 17A.

17 Sec. 33. EFFECTIVE DATES.

18 1. Section 14, subsection 2, and section 15 of
 19 this Act, being deemed of immediate importance, take
 20 effect upon enactment.

21 2. Section 30 of this Act, amending section
 22 455A.18, takes effect July 1, 1997."

Senate Amendment

H-5836

1 Amend the amendment, H-5683, to Senate File 2195,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 5, by inserting after line 9 the
 5 following:

6 "_. Keystone area education agency, Dubuque."

7 2. By relettering as necessary.

MURPHY of Dubuque
 JOCHUM of Dubuque

H-5838

1 Amend Senate File 2365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting after line 28 the
4 following:

5 "Sec. ____ Section 513C.10, subsection 1, Code
6 Supplement 1995, is amended to read as follows:

7 1. A nonprofit corporation is established to be
8 known as the Iowa individual health benefit
9 reinsurance association. All persons that provide
10 health benefit plans in this state including insurers
11 providing accident and sickness insurance under
12 chapter 509, 514, or 514A; fraternal benefit societies
13 providing hospital, medical, or nursing benefits under
14 chapter 512B; and health maintenance organizations,
15 organized delivery systems, and all other entities
16 providing health insurance or health benefits subject
17 to state insurance regulation shall be members of this
18 association. However, political subdivisions of the
19 state covered under chapter 509A shall not be subject
20 to the requirements of this section. The association
21 shall be incorporated under chapter 504A, shall
22 operate under a plan of operation established and
23 approved pursuant to chapter 504A, and shall exercise
24 its powers through a board of directors established
25 under this section."

26 2. By renumbering as necessary.

TYRRELL of Iowa

H-5840

1 Amend the amendment, H-5129, to House File 2298, as
2 follows:

3 1. Page 1, line 14, by inserting after the figure
4 "148E," the following: "each physical therapist
5 licensed under chapter 148A,".

6 2. Page 1, line 38, by inserting after the figure
7 "148E," the following: "a physical therapist licensed
8 under chapter 148A,".

GRUNDBERG of Polk

H-5841

1 Amend House File 2485 as follows:

2 1. Page 1, by striking lines 6 through 16 and
3 inserting the following: "under section 335.25 or
4 414.22, has submitted a working plan to the state fire
5 marshal in accordance with rules adopted by the fire
6 marshal, has received approval for the plan, and has
7 been issued a certificate of compliance or a
8 provisional certificate of compliance under subsection
9 1 or 3, or has otherwise been approved as complying

10 with rules or standards by the state or deputy fire
 11 marshal or a local city fire inspector appointed by
 12 the state fire marshal, the facility or home shall be
 13 considered as meeting the requirements of the rules or
 14 standards for which the certificate, provisional
 15 certificate, or approval was issued, unless there is a
 16 change in occupancy, building condition, or applicable
 17 fire safety or building code requirement. If an
 18 oversight by the state fire marshal, deputy fire
 19 marshal, or local city fire inspector results in the
 20 issuance of a certificate or approval to a facility or
 21 home which does not comply with an applicable rule or
 22 standard, the facility shall not be required to comply
 23 with the rule or standard unless, in the opinion of
 24 the state fire marshal, the failure to comply
 25 adversely affects the safety of the residents of the
 26 facility or home. The decision of the state fire
 27 marshal may be appealed in accordance with chapter
 28 17A."

HALVORSON of Clayton

H-5842

1 Amend the amendment, H-5683, to Senate File 2195,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 3, by inserting after line 29 the
 5 following:

6 "Sec. ____ There is appropriated from the general
 7 fund of the state to the Iowa communications network
 8 fund created in section 8D.14 for the fiscal year
 9 beginning July 1, 1996, and ending June 30, 1997, the
 10 following amount, or so much thereof as is necessary,
 11 to lease DS-1 or T-1 circuits for Part III connections
 12 currently using analog technology:

13 \$ 70,000"

14 2. By renumbering as necessary.

WEIGEL of Chickasaw
 MERTZ of Kossuth
 NELSON of Pottawattamie
 MAY of Worth
 WARNSTADT of Woodbury

H-5843

1 Amend Senate File 2403, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 6 the
 4 following:

5 "Sec. ____ Section 261B.2, subsection 1, Code
 6 1995, is amended to read as follows:

7 1. "Degree" means a postsecondary credential
 8 conferring on the recipient the title or symbol which

9 ~~signifies or purports to signify completion of the~~
 10 ~~requirements of an academic, educational, or~~
 11 ~~professional program of study beyond the secondary~~
 12 ~~school level of associate, bachelor, master, or~~
 13 ~~doctor, or an equivalent title, signifying educational~~
 14 ~~attainment based on any one or a combination of study~~
 15 ~~or the equivalent experience or achievement testing.~~

16 A postsecondary degree under this chapter shall not
 17 include an honorary degree or other unearned degree.

18 Sec. ____ Section 261B.2, Code 1995, is amended by
 19 adding the following new subsection:

20 NEW SUBSECTION. 1A. "Presence" means maintaining
 21 an address within Iowa.

22 Sec. ____ Section 261B.3, Code 1995, is amended to
 23 read as follows:

24 261B.3 REGISTRATION.

25 1. A school that maintains or conducts one or more
 26 courses of instruction, including courses of
 27 instruction by correspondence, offered in this state
 28 or which has a presence in this state and offers
 29 courses in other states or foreign countries shall
 30 register annually with the secretary. Registration
 31 shall be made on application forms approved and
 32 supplied by the secretary and at the time and in the
 33 manner prescribed by the secretary. Upon receipt of a
 34 complete and accurate registration application, the
 35 secretary shall ~~issue a certificate of registration an~~
 36 acknowledgment of document filed and send it to the
 37 school.

38 2. The secretary may request additional
 39 information as necessary to enable the secretary to
 40 determine the accuracy and completeness of the
 41 information contained in the registration application.
 42 If the secretary believes that false, misleading, or
 43 incomplete information has been submitted in
 44 connection with an application for registration, the
 45 secretary may deny registration. The secretary shall
 46 conduct a hearing on the denial if a hearing is
 47 requested by a school. The secretary may withhold a
 48 ~~certificate of registration an acknowledgment of~~
 49 document filed pending the outcome of the hearing.
 50 Upon a finding after the hearing that information

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1 contained in the registration application is false,
 2 misleading, or incomplete, the secretary shall deny a
 3 ~~certificate of registration an acknowledgment of~~
 4 document filed to the school. The secretary shall
 5 make the final decision on each registration. The
 6 However, the decision of the secretary is subject to
 7 judicial review in accordance with section 17A.19.

8 3. The secretary shall utilize the advisory

9 committee created in section 261B.10 in reviewing new
 10 and continuing registrations.

11 4. The secretary shall adopt rules under chapter
 12 17A for the implementation of this chapter.

13 Sec. ____ NEW SECTION. 261B.3A REQUIREMENT.

14 A school offering courses or programs of study
 15 leading to a degree in the state of Iowa shall be
 16 accredited by an agency or organization approved or
 17 recognized by the United States department of
 18 education or a successor agency and be approved for
 19 operation by the appropriate state agencies in all
 20 other states in which it operates or maintains a
 21 presence. A school is exempt from this section if the
 22 programs offered by the school are limited to
 23 nondegree specialty vocational training programs.

24 Sec. ____ Section 261B.4, subsections 2 and 11,
 25 Code 1995, are amended to read as follows:

26 2. The principal location of the school in this
 27 state, in other states, and in foreign countries, and
 28 the location of the place or places in this state, in
 29 other states, and in foreign countries where
 30 instruction is likely to be given.

31 11. The names or titles and a description of the
 32 courses and degrees to be offered in this state.

33 Sec. ____ Section 261B.4, Code 1995, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 13. The academic and
 36 instructional methodologies and delivery systems to be
 37 used by the school and the extent to which the school
 38 anticipates each methodology and delivery system will
 39 be used, including but not limited to, classroom
 40 instruction, correspondence, electronic
 41 telecommunications, independent study, and portfolio
 42 experience evaluation.

43 Sec. ____ Section 261B.8, Code 1995, is amended to
 44 read as follows:

45 261B.8 REGISTRATION FEES.

46 The secretary shall collect an initial registration
 47 fee of fifty one thousand dollars and an annual
 48 renewal of registration fee of twenty-five five
 49 hundred dollars from each registered school.

50 Sec. ____ Section 261B.10, Code 1995, is amended

Page 3

1 to read as follows:

2 261B.10 ADVISORY COMMITTEE.

3 The state advisory committee for postsecondary
 4 school registration is created. The committee shall
 5 consist of the secretary of state and seven members
 6 appointed by the coordinating council for post-high
 7 school education. Members shall serve for staggered
 8 four-year terms and shall include representatives from

9 public and private two-year and four-year colleges,
10 universities, and specialized and vocational schools.

11 The committee shall meet at least annually to
12 advise the secretary and other agencies in matters
13 relating to the administration of this chapter and to
14 serve as a resource and advisory board to the
15 secretary as needed. The secretary shall serve as
16 chairperson of the advisory committee and may call
17 meetings and set the agenda as needed.

18 Sec. ____ Section 261B.11, Code 1995, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 9. Postsecondary educational
21 institutions licensed by the state of Iowa to conduct
22 business in the state."

23 2. Title page, line 1, by inserting after the
24 word "Act" the following: "relating to the
25 registration of postsecondary schools and increasing
26 registration fees,".

27 3. By renumbering as necessary.

RANTS of Woodbury

H-5846

1 Amend Senate File 2138, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 11 and
4 inserting the following:

5 "Sec. 100. NEW SECTION. 331.439A INDEMNITY FUND.

6 1. An indemnity fund is created in the office of
7 the treasurer of state under the authority of the
8 executive council. Moneys in the indemnity fund shall
9 consist of appropriations by the state and payments by
10 counties as provided in this section. Notwithstanding
11 section 8.33, moneys in the indemnity fund which
12 remain unencumbered or unobligated at the close of a
13 fiscal year shall remain in the indemnity fund to be
14 used as provided in this section. Notwithstanding
15 section 12C.7, interest or earnings on moneys
16 deposited in the indemnity fund shall be credited to
17 the indemnity fund.

18 2. There is appropriated from the general fund of
19 the state to the indemnity fund in each fiscal year
20 the sum of one million dollars.

21 3. A county wishing to participate in the grant
22 program funded from the indemnity fund shall annually
23 pay to the indemnity fund during the fiscal year of
24 participation an amount not to exceed one-half of one
25 percent of the county's base year expenditures, as
26 defined in section 331.438.

27 4. A participating county may submit a request to
28 the indemnity fund for a cash grant in the event the
29 county's services fund is insufficient or is projected
30 to be insufficient to pay for a service in the

31 county's management plan approved under section
32 331.439 because of an unusual or unanticipated need of
33 an individual. A decision to grant the county's
34 request is subject to all of the following conditions:
35 a. The individual is covered under the county's
36 approved management plan.
37 b. The service needs of the individual are
38 documented and address possible service alternatives.
39 c. Payment of the individual's service needs is
40 anticipated to cause the county's services fund to be
41 insufficient to pay for all of the services required
42 under the county's management plan unless the plan
43 were to be amended to reduce services or service
44 costs.
45 d. One or more of the following circumstances
46 applies:
47 (1) The service costs of the individual were not
48 an obligation of the county in any fiscal year
49 previous to the fiscal year in which the request is
50 made.

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1 (2) The service costs of the individual were an
2 obligation of the county in a previous fiscal year and
3 the individual suffered an additional unanticipated
4 disability condition with an exceptional cost.
5 (3) The service costs of the individual were an
6 obligation of the county in a previous fiscal year and
7 the individual's disability worsened and requires an
8 unanticipated additional service with an exceptional
9 cost.
10 e. A indemnity fund grant shall be for one fiscal
11 year only and is not renewable for the costs of the
12 same services to an individual in a subsequent fiscal
13 year.
14 f. The county levies the maximum amount authorized
15 for the county's services fund under section 331.424A.
16 g. The county indicated in writing to the county
17 finance committee on or before March 15 of the fiscal
18 year prior to the fiscal year for which a grant is
19 requested, the county's intention to participate in
20 the indemnity fund.
21 5. An account shall be created within the
22 indemnity fund for each county participating in the
23 fund. All of the following shall be annually credited
24 to the account of a county participating in the fund
25 in a fiscal year:
26 a. The county's payment for the fiscal year to the
27 indemnity fund under subsection 3.
28 b. The county's portion of any state appropriation
29 for the fiscal year to the fund. The county's portion
30 shall be determined by applying the county's

31 percentage share of all county payments to the fund
 32 for the fiscal year under subsection 3 to the amounts
 33 appropriated by the state for the fiscal year.
 34 c. Interest and earnings attributable to the
 35 balance in the account in the previous fiscal year.
 36 6. A request for a grant from the indemnity fund
 37 shall be initially considered by the county finance
 38 committee which shall make a recommendation to the
 39 executive council to accept or reject the request in
 40 whole or in part. The decision of the executive
 41 council is final.
 42 7. A grant to a county from the indemnity fund
 43 shall be debited against the county's account. The
 44 balance in a county's account at the close of a fiscal
 45 year shall be carried forward as a beginning account
 46 balance and is available for grants in the succeeding
 47 fiscal year. The executive council shall not approve
 48 grants for a county in excess of the amount of funding
 49 available in the county's account for a fiscal year."
 50 2. Page 1, by inserting after line 23 the

Page 3

1 following:
 2 "Sec. ____ EFFECTIVE DATE. Section 100 of this
 3 Act, enacting section 331.439A, takes effect July 1,
 4 1997, and a county wishing to participate in the
 5 indemnity fund created in that section for the fiscal
 6 year beginning July 1, 1997, must notify the county
 7 finance committee of the county's intention to
 8 participate in the indemnity fund on or before March
 9 15, 1997."
 10 3. Title page, line 2, by inserting after the
 11 word "funding" the following: "by creating an
 12 indemnity fund, making an appropriation, and providing
 13 an effective date".

CARROLL of Poweshiek

H-5848

1 Amend the amendment, H-5683, to Senate File 2195,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 2, line 45, through page 3,
 5 line 18, and inserting the following:
 6 "For purposes designated in paragraphs "a" and "b",
 7 and for not more than the following full-time
 8 equivalent positions:
 9 \$ 1,950,000
 10 FTEs 10.0
 11 a. As a condition of the appropriation in this
 12 subsection, \$450,000 of the amount appropriated shall
 13 be expended by the public broadcasting division of the

14 department of education to provide support for
15 functions related to the network, including but not
16 limited to the following functions: scheduling for
17 video classrooms; development of distance learning
18 applications; development of a central information
19 source on the Internet relating to educational uses of
20 the network; second-line technical support for network
21 sites; testing and initializing sites onto the
22 network; and coordinating the work of the education
23 telecommunications council. The division is
24 authorized an additional 5.00 FTEs for a total of
25 10.00 FTEs for the purpose of providing such support.
26 b. As a further condition of the appropriation in
27 this subsection, \$1,500,000 of the amount appropriated
28 shall be allocated by the public broadcasting division
29 of the department of education to the regional
30 telecommunications councils established in section
31 8D.5. The regional telecommunications councils shall
32 use the funds to provide technical assistance for
33 network classrooms, planning and troubleshooting for
34 local area networks, scheduling of video sites, and
35 other related support activities.”

WISE of Lee
BRAND of Benton
WEIGEL of Chickasaw

H-5850

1 Amend the amendment, H-5515, to Senate File 2245,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 35, by inserting after line 40 the
5 following:
6 “Sec. ____ STUDY OF PROPOSALS CONCERNING
7 CONTRIBUTION RATES – IOWA PUBLIC EMPLOYEES’
8 RETIREMENT SYSTEM – REPORT. The Iowa public
9 employees’ retirement system division, in consultation
10 with the public retirement systems committee
11 established in section 97D.4, shall study proposals
12 concerning various options for establishing equitable
13 contribution rates for both employers and employees
14 covered by the Iowa public employees’ retirement
15 system. In conducting the study, the division shall
16 consider a proposal to provide that the employee and
17 employer contribution rate be equal. On or before
18 September 1, 1997, the Iowa public employees’
19 retirement system division shall file a report with
20 the legislative service bureau, for distribution to
21 the public retirement systems committee, which
22 contains the results of the study and any proposal, or
23 proposals, for establishing employer and employee
24 contribution rates. The report shall also contain

- 25 actuarial information concerning the costs of the
 26 proposal or proposals.”
 27 2. By renumbering as necessary.

GRUNDBERG of Polk
 CHURCHILL of Polk
 VAN FOSSEN of Scott
 DINKLA of Guthrie
 JACOBS of Polk
 DISNEY of Polk
 LAMBERTI of Polk

MEYER of Sac
 DRAKE of Pottawattamie
 VEENSTRA of Sioux
 METCALF of Polk
 HOUSER of Pottawattamie
 BRANDSTAD of Winnebago
 WELTER of Jones

H-5852

1 Amend Senate File 2403, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 6 the
 4 following:

5 “Sec. ____ Section 261B.2, subsection 1, Code
 6 1995, is amended to read as follows:

7 1. “Degree” means a postsecondary credential
 8 conferring on the recipient the title or symbol which
 9 signifies or purports to signify completion of the
 10 requirements of an academic, educational, or
 11 professional program of study beyond the secondary
 12 school level of associate, bachelor, master, or
 13 doctor, or an equivalent title, signifying educational
 14 attainment based on any one or a combination of study
 15 or the equivalent experience or achievement testing.
 16 A postsecondary degree under this chapter shall not
 17 include an honorary degree or other unearned degree.

18 Sec. ____ Section 261B.2, Code 1995, is amended by
 19 adding the following new subsection:

20 NEW SUBSECTION. 1A. “Presence” means maintaining
 21 an address within Iowa.

22 Sec. ____ Section 261B.3, Code 1995, is amended to
 23 read as follows:

24 261B.3 REGISTRATION.

25 1. A school that maintains or conducts one or more
 26 courses of instruction, including courses of
 27 instruction by correspondence, offered in this state
 28 or which has a presence in this state and offers
 29 courses in other states or foreign countries shall
 30 register annually with the secretary. Registration
 31 shall be made on application forms approved and
 32 supplied by the secretary and at the time and in the
 33 manner prescribed by the secretary. Upon receipt of a
 34 complete and accurate registration application, the
 35 secretary shall issue a certificate of registration an
 36 acknowledgment of document filed and send it to the
 37 school.

38 2. The secretary may request additional
 39 information as necessary to enable the secretary to

40 determine the accuracy and completeness of the
 41 information contained in the registration application.
 42 If the secretary believes that false, misleading, or
 43 incomplete information has been submitted in
 44 connection with an application for registration, the
 45 secretary may deny registration. The secretary shall
 46 conduct a hearing on the denial if a hearing is
 47 requested by a school. The secretary may withhold a
 48 ~~certificate of registration~~ an acknowledgment of
 49 document filed pending the outcome of the hearing.
 50 Upon a finding after the hearing that information

Page 2

1 contained in the registration application is false,
 2 misleading, or incomplete, the secretary shall deny a
 3 ~~certificate of registration~~ an acknowledgment of
 4 document filed to the school. The secretary shall
 5 make the final decision on each registration. The
 6 However, the decision of the secretary is subject to
 7 judicial review in accordance with section 17A.19.
 8 3. The secretary shall utilize the advisory
 9 committee created in section 261B.10 in reviewing new
 10 and continuing registrations.

11 4. The secretary shall adopt rules under chapter
 12 17A for the implementation of this chapter.
 13 Sec. __. NEW SECTION. 261B.3A REQUIREMENT.

14 A school offering courses or programs of study
 15 leading to a degree in the state of Iowa shall be
 16 accredited by an agency or organization approved or
 17 recognized by the United States department of
 18 education or a successor agency and be approved for
 19 operation by the appropriate state agencies in all
 20 other states in which it operates or maintains a
 21 presence. A school is exempt from this section if the
 22 programs offered by the school are limited to
 23 nondegree specialty vocational training programs.

24 Sec. __. Section 261B.4, subsections 2 and 11,
 25 Code 1995, are amended to read as follows:

26 2. The principal location of the school in this
 27 state, in other states, and in foreign countries, and
 28 the location of the place or places in this state, in
 29 other states, and in foreign countries where
 30 instruction is likely to be given.

31 11. The names or titles and a description of the
 32 courses and degrees to be offered in this state.

33 Sec. __. Section 261B.4, Code 1995, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 13. The academic and
 36 instructional methodologies and delivery systems to be
 37 used by the school and the extent to which the school
 38 anticipates each methodology and delivery system will
 39 be used, including but not limited to, classroom

40 instruction, correspondence, electronic
41 telecommunications, independent study, and portfolio
42 experience evaluation.

43 Sec. ____ Section 261B.8, Code 1995, is amended to
44 read as follows:

45 261B.8 REGISTRATION FEES.

46 The secretary shall collect an initial registration
47 fee of fifty one thousand dollars and an annual
48 renewal of registration fee of twenty-five five
49 hundred dollars from each registered school.

50 Sec. ____ Section 261B.10, Code 1995, is amended

Page 3

1 to read as follows:

2 261B.10 ADVISORY COMMITTEE.

3 The state advisory committee for postsecondary
4 school registration is created. The committee shall
5 consist of the secretary of state and seven members
6 appointed by the coordinating council for post-high
7 school education. Members shall serve for staggered
8 four-year terms and shall include representatives from
9 public and private two-year and four-year colleges,
10 universities, and specialized and vocational schools.

11 The committee shall meet at least annually to
12 advise the secretary and other agencies in matters
13 relating to the administration of this chapter and to
14 serve as a resource and advisory board to the
15 secretary as needed. The secretary shall serve as
16 chairperson of the advisory committee and may call
17 meetings and set the agenda as needed.

18 Sec. ____ Section 261B.11, Code 1995, is amended
19 by adding the following new subsections:

20 NEW SUBSECTION. 9. Postsecondary educational
21 institutions licensed by the state of Iowa to conduct
22 business in the state.

23 NEW SUBSECTION. 10. Accredited higher education
24 institutions that meet the criteria established under
25 section 261.92, subsection 1."

26 2. Title page, line 1, by inserting after the
27 word "Act" the following: "relating to the
28 registration of postsecondary schools and increasing
29 registration fees,".

30 3. By renumbering as necessary.

RANTS of Woodbury

H-5858

1 Amend the Senate amendment, H-5621, to House File
2 2370 as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

- 6 “ . Page 1, by inserting after line 8 the
 7 following:
 8 Sec. ____ Section 490.121, subsection 1, paragraph
 9 a, Code 1995, is amended by striking the paragraph.
 10 Sec. ____ Section 490.125, subsection 3, Code
 11 1995, is amended to read as follows:
 12 3. If the secretary of state refuses to file a
 13 document, the secretary of state shall return it to
 14 the domestic or foreign corporation or its
 15 representative ~~within ten days after the document was~~
 16 ~~received by the secretary of state, together with a~~
 17 ~~brief, written explanation of the reason for the~~
 18 ~~refusal.~~
 19 Sec. ____ Section 490.401, subsection 4,
 20 unnumbered paragraph 1, Code 1995, is amended to read
 21 as follows:
 22 A corporation may use the name, including the
 23 fictitious name, of another domestic or foreign
 24 corporation that is used in this state if the other
 25 corporation is incorporated or authorized to transact
 26 business in this state and the proposed user
 27 corporation ~~meets~~ submits documentation to the
 28 satisfaction of the secretary of state establishing
 29 one of the following conditions:
 30 Sec. ____ Section 490.502, subsection 1,
 31 paragraphs b and d, Code 1995, are amended by striking
 32 the paragraphs.
 33 Sec. ____ Section 490.503, Code 1995, is amended
 34 to read as follows:
 35 490.503 RESIGNATION OF REGISTERED AGENT.
 36 1. A registered agent may resign the agent's
 37 agency appointment by signing and delivering to the
 38 secretary of state for filing the signed original ~~and~~
 39 ~~two exact or conformed copies of a statement of~~
 40 resignation. The statement may include a statement
 41 that the registered office is also discontinued. The
 42 registered agent shall send a copy of the statement of
 43 resignation by certified mail to the corporation at
 44 its principal office and to the registered office, if
 45 not discontinued. The registered agent shall certify
 46 to the secretary of state that the copies have been
 47 sent to the corporation, including the date the copies
 48 were sent.
 49 ~~2. After filing the statement the secretary of~~
 50 ~~state shall mail one copy to the registered office, if~~

Page 2

- 1 ~~not discontinued, and the other copy to the~~
 2 ~~corporation at its principal office.~~
 3 ~~—3. 2.~~ The agency appointment is terminated, and
 4 the registered office discontinued if so provided, on
 5 the ~~thirty-first day after the date on which the~~

6 statement was filed.

7 Sec. ____ Section 490.504, subsection 3, Code
8 1995, is amended by striking the subsection and
9 inserting in lieu thereof the following:

10 3. A corporation may be served pursuant to this
11 section, as provided in other provisions of this
12 chapter, or as provided in sections 617.3 through
13 617.6, unless the manner of service is otherwise
14 specifically provided for by statute.

15 Sec. ____ Section 490.902, Code 1995, is amended
16 to read as follows:

17 490.902 FOREIGN INSURANCE COMPANIES BECOMING
18 DOMESTIC.

19 The secretary of state, upon a corporation
20 complying with this section and upon the filing of
21 articles of incorporation and upon receipt of the fees
22 as provided in this chapter, shall issue ~~a certificate~~
23 ~~of incorporation~~ an acknowledgment of receipt of
24 document as of the date of the ~~corporation's original~~
25 ~~incorporation in its state of original incorporation~~
26 filing of the articles of incorporation with the
27 secretary of state. ~~The certificate of incorporation~~
28 ~~acknowledgment of receipt of document~~ shall state on
29 its face that it is issued in accordance with this
30 section. ~~The secretary of state shall forward the~~
31 ~~articles as provided in this chapter to the county~~
32 ~~recorder where the principal place of business of the~~
33 ~~corporation is to be located~~. The secretary of state
34 shall then notify the appropriate officer of the state
35 or country of the corporation's last domicile that the
36 corporation is now a domestic corporation domiciled in
37 this state. This section applies to life insurance
38 companies, and to insurance companies doing business
39 under chapter 515.

40 Sec. ____ Section 490.1420, subsection 1, Code
41 1995, is amended by striking the subsection.

42 Sec. ____ Section 490.1420, subsection 2, Code
43 1995, is amended to read as follows:

44 2. The corporation has not delivered an annual
45 report to the secretary of state in a form that meets
46 the requirements of section 490.1622, within sixty
47 days after it is due, or has not paid the filing fee
48 as provided in section 490.122, within sixty days
49 after it is due.

50 Sec. ____ Section 490.1421, Code 1995, is amended

Page 3

1 by adding the following new subsection:

2 **NEW SUBSECTION.** 5. The secretary of state's
3 administrative dissolution of a corporation pursuant
4 to this section appoints the secretary of state the
5 corporation's agent for service of process in any

6 proceeding based on a cause of action which arose
7 during the time the corporation was authorized to
8 transact business in this state. Service of process
9 on the secretary of state under this subsection is
10 service on the corporation. Upon receipt of process,
11 the secretary of state shall serve a copy of the
12 process on the corporation as provided in section
13 490.504. This subsection does not preclude service on
14 the corporation's registered agent, if any.

15 Sec. ____ Section 490.1422, subsection 1, Code
16 1995, is amended to read as follows:

17 1. A corporation administratively dissolved under
18 section 490.1421 may apply to the secretary of state
19 for reinstatement within two years after the effective
20 date of dissolution. The application must meet all of
21 the following requirements:

22 a. Recite the name of the corporation at its date
23 of dissolution and the effective date of its
24 administrative dissolution.

25 b. State that the ground or grounds for
26 dissolution ~~either did not exist or have been~~
27 eliminated.

28 c. State a corporate name that satisfies the
29 requirements of section 490.401.

30 d. State the state federal tax identification
31 number of the corporation.

32 Sec. ____ Section 490.1422, subsection 2,
33 paragraph a, Code 1995, is amended to read as follows:

34 a. The secretary of state shall refer the state
35 federal tax identification number contained in the
36 application for reinstatement to the department of
37 revenue and finance. The department of revenue and
38 finance shall report to the secretary of state the tax
39 status of the corporation. If the department reports
40 to the secretary of state that a filing delinquency or
41 liability exists against the corporation, the
42 secretary of state shall not cancel the certificate of
43 dissolution until the filing delinquency or liability
44 is satisfied.

45 Sec. ____ Section 490.1503, subsection 2, Code
46 1995, is amended to read as follows:

47 2. The foreign corporation shall deliver with the
48 completed application to the secretary of state, and
49 also deliver to the secretary of state a certificate
50 of existence or a document of similar import duly

Page 4

1 authenticated by the secretary of state or other
2 official having custody of corporate records in the
3 state or country under whose law it is incorporated
4 which is dated no earlier than ninety days prior to
5 the date the application is filed with the secretary

6 of state.

7 Sec. ____ Section 490.1506, subsection 4, Code
8 1995, is amended to read as follows:

9 4. A foreign corporation may use in this state the
10 name, including the fictitious name, of another
11 domestic or foreign corporation that is used in this
12 state if the other corporation is incorporated or
13 authorized to transact business in this state and the
14 foreign corporation has ~~done~~ filed documentation
15 satisfactory to the secretary of state of the
16 occurrence of any of the following:

17 a. ~~Merged~~ The foreign corporation has merged with
18 the other corporation.

19 b. ~~Been~~ The foreign corporation has been formed by
20 reorganization of the other corporation.

21 c. ~~Acquired~~ The foreign corporation has acquired
22 all or substantially all of the assets, including the
23 corporate name, of the other corporation.

24 Sec. ____ Section 490.1508, subsection 1,
25 paragraphs b and d, Code 1995, are amended by the
26 striking the paragraphs.

27 Sec. ____ Section 490.1509, Code 1995, is amended
28 to read as follows:

29 490.1509 RESIGNATION OF REGISTERED AGENT OF
30 FOREIGN CORPORATION.

31 1. The registered agent of a foreign corporation
32 may resign the agency appointment by signing and
33 delivering to the secretary of state for filing the
34 signed original and ~~two exact or conformed copies of a~~
35 statement of resignation. The statement of
36 resignation may include a statement that the
37 registered office is also discontinued. The
38 registered agent shall send a copy of the statement of
39 resignation by certified mail to the corporation at
40 its principal office and to the registered office, if
41 not discontinued. The registered agent shall certify
42 to the secretary of state that the copies have been
43 sent to the corporation, including the date the copies
44 were sent.

45 ~~2. After filing the statement, the secretary of~~
46 ~~state shall attach the filing receipt to one copy and~~
47 ~~mail the copy and receipt to the registered office if~~
48 ~~not discontinued. The secretary of state shall mail~~
49 ~~the other copy of the foreign corporation to its~~
50 ~~principal office address shown in its most recent~~

Page 5

1 annual report.

2 ~~-3.~~ 2. The agency appointment is terminated, and
3 the registered office discontinued if so provided, on
4 the ~~thirty first day after the date on which the~~
5 statement was filed.

- 6 Sec. ____ Section 490.1520, subsection 2,
 7 paragraph e, Code 1995, is amended by striking the
 8 paragraph.
- 9 Sec. ____ Section 490.1530, subsection 2, Code
 10 1995, is amended by striking the subsection.
- 11 Sec. ____ Section 490.1622, subsection 1,
 12 paragraph d, Code 1995, is amended to read as follows:
 13 d. The names and business addresses of its
 14 ~~directors and principal officers~~ the president,
 15 secretary, treasurer, and one member of the board of
 16 directors.
- 17 Sec. ____ Section 490.1622, subsection 1,
 18 paragraphs e, f, g, and h, Code 1995, are amended by
 19 striking the paragraphs.”
- 20 2. Page 1, line 27, by inserting after the word
 21 “companies,” the following: “certain reporting and
 22 filing requirements and procedures, establishing
 23 fees.”
- 24 3. By renumbering as necessary.

NUTT of Woodbury

H-5861

- 1 Amend Senate File 2365, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 28 the
 4 following:
- 5 “Sec. ____ Section 513C.10, subsection 1, Code
 6 Supplement 1995, is amended to read as follows:
 7 1. A nonprofit corporation is established to be
 8 known as the Iowa individual health benefit
 9 reinsurance association. All persons that provide
 10 health benefit plans in this state including insurers
 11 providing accident and sickness insurance under
 12 chapter 509, 514, or 514A; fraternal benefit societies
 13 providing hospital, medical, or nursing benefits under
 14 chapter 512B; and health maintenance organizations,
 15 organized delivery systems, and all other entities
 16 providing health insurance or health benefits subject
 17 to state insurance regulation shall be members of this
 18 association. However, the state and political
 19 subdivisions of the state covered under chapter 509A
 20 shall not be subject to the requirements of this
 21 section. The association shall be incorporated under
 22 chapter 504A, shall operate under a plan of operation
 23 established and approved pursuant to chapter 504A, and
 24 shall exercise its powers through a board of directors
 25 established under this section.”
- 26 2. By renumbering as necessary.

TYRRELL of Iowa

H-5863

1 Amend Senate File 2435, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. ____ Section 232.22, subsection 4,
6 unnumbered paragraph 2, Code Supplement 1995, is
7 amended by striking the unnumbered paragraph.

8 Sec. ____ Section 232.22, subsection 6, Code
9 Supplement 1995, is amended by striking the subsection
10 and inserting in lieu thereof the following:

11 6. If the juvenile court has waived its
12 jurisdiction over a child under section 232.45 or if a
13 child has been excluded from the jurisdiction of the
14 juvenile court under section 232.8, subsection 1,
15 paragraph "c", or section 232.45A for the purpose of
16 being prosecuted as an adult and has been charged with
17 an offense, the court having jurisdiction over the
18 child may order the child held in a facility referred
19 to in subsection 2 as follows:

20 a. If the offense is a simple or serious
21 misdemeanor, the child shall only be held in a
22 facility referred to in subsection 2, paragraph "a" or
23 "b".

24 b. If the offense is an aggravated misdemeanor or
25 a felony which is not a forcible felony, the child may
26 be held in a facility referred to in subsection 2,
27 paragraph "a" or "b", or in a facility referred to in
28 subsection 2, paragraph "c", only in accordance with
29 the requirements of subsection 2, paragraph "c",
30 subparagraph (4), and subsection 4, paragraph "c".

31 c. If the offense is a forcible felony, the child
32 may be held in a facility referred to in subsection 2,
33 paragraph "a" or "b", or in a facility referred to in
34 subsection 2, paragraph "c". The requirements of
35 subsection 2, paragraph "c", and subsection 4 shall
36 not apply to a child over whom the juvenile court has
37 waived its jurisdiction or who has been excluded from
38 the jurisdiction of the juvenile court and charged
39 with a forcible felony.

40 This subsection shall not apply to a child over
41 whom the juvenile court has waived its jurisdiction
42 for the purpose of prosecuting the child as a youthful
43 offender."

44 2. Page 9, by inserting after line 32 the
45 following:

46 "Sec. ____ Section 356.3, Code 1995, is amended by
47 striking the section and inserting in lieu thereof the
48 following:

49 **356.3 CONFINEMENT OF PERSONS UNDER AGE EIGHTEEN.**
50 A person under the age of eighteen years shall only

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- 1 be confined in a jail, municipal holding facility, or
 2 facility established under chapter 356A in accordance
 3 with section 232.22.”
 4 3. Title page, line 2, by inserting after the
 5 word “offenses” the following: “, the confinement of
 6 juveniles in adult facilities.”.
 7 4. By renumbering as necessary.

KLEMME of Plymouth
 RANTS of Woodbury
 NUTT of Woodbury

H-5864

- 1 Amend the amendment, H-5515, to Senate File 2245,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 1, line 7, through page 2,
 5 line 49, and inserting the following:
 6 “Sec. ____ Section 12.8, unnumbered paragraph 3,
 7 Code 1995, is amended to read as follows:
 8 The treasurer of state, with the approval of the
 9 ~~investment board of trustees~~ of the Iowa public
 10 employees’ retirement system, may conduct a program of
 11 lending securities in the Iowa public employees’
 12 retirement system portfolio. When securities are
 13 loaned as provided by this paragraph, the treasurer
 14 shall act in the manner provided for investment of
 15 moneys in the Iowa public employees’ retirement fund
 16 under section 97B.7. The treasurer of state shall
 17 report at least annually to the ~~investment board of~~
 18 ~~trustees~~ of the Iowa public employees’ retirement
 19 system on the program and shall provide additional
 20 information on the program upon the request of the
 21 ~~investment board of trustees~~ or the employees of the
 22 Iowa public employees’ retirement system division of
 23 the department of personnel.
 24 Sec. ____ Section 19A.1, subsection 3, paragraph
 25 c, Code 1995, is amended to read as follows:
 26 c. The ~~investment board of trustees~~ of the Iowa
 27 public employees’ retirement system created by section
 28 ~~97B.8 97B.8A~~.
 29 Sec. ____ Section 68B.35, subsection 2, paragraph
 30 e, Code 1995, is amended to read as follows:
 31 e. Members of the banking board, the ethics and
 32 campaign disclosure board, the credit union review
 33 board, the economic development board, the employment
 34 appeal board, the environmental protection commission,
 35 the health facilities council, the Iowa business
 36 investment corporation board of directors, the Iowa
 37 finance authority, the Iowa seed capital corporation,
 38 the Iowa public employees’ retirement system

39 investment board of trustees, the lottery board, the
40 natural resource commission, the board of parole, the
41 petroleum underground storage tank fund board, the
42 public employment relations board, the state racing
43 and gaming commission, the state board of regents, the
44 tax review board, the transportation commission, the
45 office of consumer advocate, the utilities board, and
46 any full-time members of other boards and commissions
47 as defined under section 7E.4 who receive an annual
48 salary for their service on the board or commission.
49 Sec. ____ Section 97B.1, Code 1995, is amended to
50 read as follows:

Page 2

1 97B.1 SYSTEM CREATED - ORGANIZATIONAL
2 DEFINITIONS.

3 1. The "Iowa Public Employees' Retirement System"
4 is created. The system is within the department of
5 personnel, subject to the administration of the board.

6 2. As used in this chapter unless the context
7 requires otherwise:

8 a. "Board" means the investment board of trustees
9 created by section ~~97B.8~~ 97B.8A.

10 b. "Department" means the department of personnel.

11 c. "Director" means the director of the department
12 of personnel.

13 d. "System" means the Iowa public employees'
14 retirement system.

15 Sec. ____ Section 97B.4, Code 1995, is amended to
16 read as follows:

17 97B.4 ADMINISTRATION OF SYSTEM - POWERS AND
18 DUTIES - IMMUNITY.

19 The department board, through the department and
20 the chief investment officer and chief benefits
21 officer, shall administer this chapter. The
22 department, upon the approval of the board, may adopt,
23 amend, or rescind rules, employ persons, execute
24 contracts with outside parties, make expenditures,
25 require reports, make investigations, and take other
26 action it deems necessary for the administration of
27 the system in conformity with the requirements of this
28 chapter, the applicable provisions of the Internal
29 Revenue Code, and all other applicable federal and
30 state laws. The rules shall be effective upon
31 compliance with chapter 17A. Not later than the
32 fifteenth day of December of each year, the department
33 shall submit to the governor a report covering the
34 administration and operation of this chapter during
35 the preceding fiscal year and shall make
36 recommendations for amendments to this chapter. The
37 report shall include a balance sheet of the moneys in
38 the Iowa public employees' retirement fund.

39 In the administration of the investment of moneys
40 in the fund and in making benefit recommendations,
41 employees of the department and members of the board
42 may travel outside the state for the purpose of
43 meeting with investment and benefit firms and
44 consultants and attending conferences and meetings to
45 fulfill their fiduciary responsibilities. This travel
46 is not subject to section 421.38, subsection 2.
47 The department, members of the ~~investment~~ board,
48 and the treasurer of state are not personally liable
49 for actions or omissions under this chapter that do
50 not involve malicious or wanton misconduct even if

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1 those actions or omissions violate the standards
2 established in section 97B.7.
3 Sec. ____ Section 97B.7, subsection 2, paragraphs
4 b and d, Code 1995, are amended to read as follows:
5 b. To invest the portion of the retirement fund
6 which in the judgment of the department is not needed
7 for current payment of benefits under this chapter.
8 The department shall execute the disposition and
9 investment of moneys in the retirement fund in
10 accordance with the investment policy and goal
11 statement established by the ~~investment~~ board. In
12 establishing the investment policy of the fund and the
13 investment of the fund, the department and ~~investment~~
14 board shall exercise the judgment and care, under the
15 circumstances then prevailing, which persons of
16 prudence, discretion, and intelligence exercise in the
17 management of their own affairs, not for the purpose
18 of speculation, but with regard to the permanent
19 disposition of the funds, considering the probable
20 income, as well as the probable safety, of their
21 capital. Within the limitations of the standard
22 prescribed in this section, the treasurer of state,
23 the department, and the board may acquire and retain
24 every kind of property and every kind of investment
25 which persons of prudence, discretion, and
26 intelligence acquire or retain for their own account.
27 The department and ~~investment~~ board shall give
28 appropriate consideration to those facts and
29 circumstances that the department and ~~investment~~ board
30 know or should know are relevant to the particular
31 investment or investment policy involved, including
32 the role the investment plays in the total value of
33 the retirement fund.
34 For the purposes of this paragraph, appropriate
35 consideration includes, but is not limited to, a
36 determination by the department and ~~investment~~ board
37 that the particular investment or investment policy is
38 reasonably designed to further the purposes of the

39 retirement system, taking into consideration the risk
40 of loss and the opportunity for gain or other return
41 associated with the investment or investment policy
42 and consideration of the following factors as they
43 relate to the retirement fund:

44 (1) The composition of the retirement fund with
45 regard to diversification.

46 (2) The liquidity and current return of the
47 investments in the fund relative to the anticipated
48 cash flow requirements of the retirement system.

49 (3) The projected return of the investments
50 relative to the funding objectives of the retirement

Page 4

1 system.

2 Consistent with this paragraph, investments made
3 under this paragraph shall be made in a manner that
4 will enhance the economy of this state, and in
5 particular, will result in increased employment of the
6 residents of this state. Investments of moneys in the
7 fund are not subject to sections 73.15 through 73.21.

8 Except as provided in section 97B.4, if there is
9 loss to the fund, the treasurer, the department, and
10 the board are not personally liable, and the loss
11 shall be charged against the retirement fund. There
12 is appropriated from the retirement fund the amount
13 required to cover a loss. Expenses incurred in the
14 sale and purchase of securities belonging to the
15 retirement fund shall be charged to the retirement
16 fund, and there is appropriated from the retirement
17 fund the amount required for the expenses incurred.
18 Investment management expenses shall be charged to the
19 investment income of the retirement fund, and there is
20 appropriated from the retirement fund the amount
21 required for the investment management expenses,
22 subject to the limitations stated in this unnumbered
23 paragraph. The amount appropriated for a fiscal year
24 under this unnumbered paragraph shall not exceed ~~one~~
25 half four-tenths of one percent of the market value of
26 the retirement fund. The department shall report the
27 investment management expenses for a fiscal year as a
28 percent of the market value of the retirement fund in
29 the annual report to the governor required in section
30 97B.4. A person who has signed a contract with the
31 department for investment management purposes shall
32 meet the requirements for doing business in Iowa
33 sufficient to be subject to tax under rules of the
34 department of revenue and finance.

35 d. To sell any securities or other property in the
36 trust fund and reinvest the proceeds in accordance
37 with the direction of the department when such action
38 may be deemed advisable by the department for the

39 protection of the trust fund or the preservation of
40 the value of the investment. Such sale of securities
41 or other property of the trust fund shall only be made
42 after advice from the investment board in the manner
43 and to the extent provided in this chapter in regard
44 to the purchase of investments.

45 Sec. ____ NEW SECTION. 97B.8A BOARD OF TRUSTEES.

46 1. BOARD ESTABLISHED. A board is established to
47 be known as the "Board of Trustees of the Iowa Public
48 Employees' Retirement System", referred to in this
49 chapter as the "board", whose duties are to establish
50 policy for the department in matters relating to the

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1 administration of the system, including the investment
2 of the trust funds and the disbursement of benefits -
3 provided to members of the system consistent with the
4 goals established in section 97D.1.

5 2. REVIEW.

6 a. At least annually the board shall review the
7 investment policies and procedures used by the
8 department under section 97B.7, subsection 2,
9 paragraph "b", and shall hold a public meeting on the
10 investment policies and investment performance of the
11 fund. Following its review and the public meeting,
12 the board shall establish an investment policy and
13 goal statement which shall direct the investment
14 activities of the department. The development of the
15 investment policy and goal statement and its
16 subsequent execution shall be performed cooperatively
17 between the board and the department.

18 b. At least every two years, the board, in
19 consultation with the benefits advisory committee,
20 shall review the benefits provided to members under
21 chapter 97B and shall make recommendations to the
22 general assembly concerning the benefits, benefits
23 policy, and benefit goals, provided under this
24 chapter.

25 3. MEMBERSHIP.

26 a. The board consists of thirteen members. Eight
27 of the members shall be appointed by the governor. Of
28 the members appointed by the governor, one member
29 shall be an executive of a domestic life insurance
30 company; one member shall be an executive of a state
31 or national bank operating within the state of Iowa;
32 one member shall be a certified financial planner; one
33 member shall be a retirement benefits specialist; one,
34 not a member of the system, who is a member of a
35 county board of supervisors or local school board; one
36 member shall be an active member who is an employee of
37 a school district, area education agency, or merged
38 area; one member shall be an active member who is not

39 an employee of a school district, area education
40 agency, or merged area; and one member who is a
41 retired member of the system. One member shall be
42 appointed by the benefits advisory committee. The
43 president of the senate, after consultation with the
44 majority leader and the minority leader of the senate,
45 shall appoint one member from the membership of the
46 senate and the speaker of the house of
47 representatives, after consultation with the majority
48 leader and the minority leader of the house of
49 representatives, shall appoint one member from the
50 membership of the house. The director of the

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1 department of personnel, the treasurer of state or the
2 treasurer's designee, and the two legislative members
3 are ex officio, nonvoting members of the board. Five
4 voting members of the board shall constitute a quorum.
5 b. The members who are an executive of a domestic
6 life insurance company, an executive of a state or
7 national bank operating within the state of Iowa, a
8 certified financial planner, a retirement benefits
9 specialist, a member of a county board of supervisors
10 or school board, the member who is a retired member of
11 the system, and, if an active member is not selected,
12 the member selected by the benefits advisory committee
13 shall be paid their actual expenses incurred in
14 performance of their duties and shall receive a per
15 diem as specified in section 7E.6 for each day of
16 service not exceeding forty days per year.
17 Legislative members shall be paid the per diem
18 specified in section 2.10, subsection 6, for each day
19 of service, and their actual expenses incurred in the
20 performance of their duties. The per diem and
21 expenses of the legislative members shall be paid from
22 funds appropriated under section 2.12. The following
23 members shall be paid their actual expenses incurred
24 in the performance of their duties as members of the
25 board and the performance of their duties as members
26 of the board shall not affect their salaries,
27 vacations, or leaves of absence for sickness or
28 injury: the director of the department of personnel;
29 the treasurer of state, or the treasurer's designee;
30 the active member who is an employee of a school
31 district, area education agency, or merged area; the
32 active member who is not an employee of a school
33 district, area education agency, or merged area; and,
34 if an active member is selected, the active member
35 selected by the benefits advisory committee. The
36 appointive terms of the members appointed by the
37 governor and the member selected by the benefits
38 advisory committee are for a period of six years

39 beginning and ending as provided in section 69.19. A
 40 vacancy in the membership of the board shall be filled
 41 in the same manner as the original appointment.
 42 Gubernatorial appointees to the board are subject to
 43 confirmation by the senate.
 44 4. ADMINISTRATIVE AUTHORITY. The authority of the
 45 department to carry out its duties as provided by this
 46 chapter are, notwithstanding provisions of this
 47 chapter to the contrary, subject to the approval of
 48 the board.
 49 Sec. ____ NEW SECTION. 97B.8B BENEFITS ADVISORY
 50 COMMITTEE.

Page 7

1 A benefits advisory committee shall be established
 2 whose duties are to make recommendations to the board
 3 of trustees concerning the disbursement of benefits to
 4 members of the system and to select a member of the
 5 board of trustees.

6 The benefits advisory committee shall be comprised
 7 of representatives of constituent groups concerned
 8 with the system and shall consist of representatives
 9 of employers, active members, and retired members.
 10 The Iowa public employees' retirement system division
 11 of the department shall adopt rules under chapter 17A
 12 to provide for the selection of members to the
 13 committee."

14 2. Page 35, by inserting after line 23 the
 15 following:

16 "Sec. ____ Section 473.11, subsection 2,
 17 unnumbered paragraph 1, Code 1995, is amended to read
 18 as follows:

19 The treasurer of state shall be the custodian of
 20 the energy conservation trust and shall invest the
 21 moneys in the trust, in consultation with the energy
 22 fund disbursement council established in subsection 3
 23 and the ~~investment~~ board of trustees of the Iowa
 24 public employees' retirement system, in accordance
 25 with the following guidelines:

26 Sec. ____ BOARD TRANSITION - EFFECTIVE DATE.

27 1. Notwithstanding provisions of section 97B.8A,
 28 as enacted in this Act, to the contrary, the initial
 29 board of trustees of the Iowa public employees'
 30 retirement system shall consist of the following
 31 members, who shall serve the following terms:

32 a. The governor shall appoint to the initial board
 33 of trustees one member, not a member of the system,
 34 who is a member of a county board of supervisors or
 35 local school board and one member who is a retirement
 36 benefits specialist. The terms of these two members
 37 appointed under this paragraph shall commence on July
 38 1, 1996 and expire on April 30, 2002.

39 b. The members of the investment board established
40 under section 97B.8, Code 1995, who are an executive
41 of a domestic life insurance company, an executive of
42 a state or national bank, an active member who is an
43 employee of a school district, area education agency,
44 or merged area, an active member who is not an
45 employee of a school district, area education agency,
46 or merged area, and a retired member shall cease
47 membership on the investment board and commence
48 membership on the initial board of trustees on July 1,
49 1996. The terms of these members on the initial board
50 of trustees shall expire on the same date as their

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1 terms would have expired on the investment board in
2 accordance with section 97B.8, Code 1995.

3 c. The term of the member of the investment board
4 established under section 97B.8, Code 1995, who is an
5 executive of an industrial corporation located within
6 the state of Iowa shall cease on July 1, 1996. The
7 governor shall appoint to the initial board of
8 trustees one member who is a certified financial
9 planner, for a term which shall commence on July 1,
10 1996, and expire on the same date as the term would
11 have expired of the member of the investment board
12 established under section 97B.8, Code 1995, who is an
13 executive of an industrial corporation.

14 d. The benefits advisory committee established in
15 section 97B.8B, as enacted in this Act, shall appoint
16 one member to the initial board of trustees for a term
17 which shall commence on July 1, 1996, and expire on
18 April 30, 2000.

19 e. The members of the investment board established
20 under section 97B.8, Code 1995, who are legislative
21 members shall cease membership on the investment board
22 and commence membership on the initial board of
23 trustees on July 1, 1996. The terms of these members
24 shall expire at the pleasure of the appointing
25 authorities as provided in section 97B.8A, as enacted
26 in this Act.

27 f. The director of the department of personnel
28 shall cease membership on the investment board
29 established under section 97B.8, Code 1995, and
30 commence membership on the initial board of trustees
31 on July 1, 1996. The director of the department of
32 personnel shall serve on the board of trustees as
33 provided in section 97B.8A, as enacted in this Act.

34 g. The treasurer of state or the treasurer's
35 designee shall commence membership on the initial
36 board of trustees on July 1, 1996, and shall serve on
37 the board of trustees as provided in section 97B.8A,
38 as enacted in this Act.

39 2. Initial appointments by the governor under this
 40 section are subject to confirmation by the senate. If
 41 a vacancy occurs as to a member of the initial board
 42 of trustees who is appointed by the governor prior to
 43 the expiration of a term as provided in this section,
 44 the governor shall appoint a member to serve the
 45 remainder of the term so that the membership
 46 requirements of section 97B.8A, as enacted in this
 47 Act, are fulfilled, and the appointment shall be
 48 subject to confirmation by the senate. If a vacancy
 49 occurs as to the member appointed by the benefits
 50 advisory committee prior to the expiration of the term

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1 established in this section, the benefits advisory
 2 committee shall appoint a member to serve the
 3 remainder of the term. Upon the expiration of a term
 4 established in this section, a member shall be
 5 appointed in the manner and for a term of service as
 6 specified in section 97B.8A, as enacted in this Act.
 7 Except as otherwise provided in this section, the
 8 initial board of trustees shall be subject to the
 9 requirements of section 97B.8A, as enacted in this
 10 Act.

11 3. In order to provide for the appointments to the
 12 initial board of trustees, this section of this Act,
 13 being deemed of immediate importance, takes effect
 14 upon enactment.

15 Sec. ____ REPEAL. Section 97B.8, Code 1995, is
 16 repealed."

17 3. Page 51, by inserting after line 20 the
 18 following:

19 "_. The section of this Act which enacts section
 20 97B.8B, being deemed of immediate importance, takes
 21 effect upon enactment."

22 4. By renumbering and correcting internal
 23 references as necessary.

LARKIN of Lee

H-5866

1 Amend the amendment, H-5174, to House File 2087 as
 2 follows:

3 1. Page 1, by striking lines 4 through 20.

4 2. By renumbering as necessary.

NUTT of Woodbury

H-5867

1 Amend the Senate amendment, H-5821, to House File
 2 2369, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 5 through 42 and
5 inserting the following:
6 "Sec. ____ NEW SECTION. 514C.11 MINIMUM
7 POSTDELIVERY CARE REQUIREMENTS.
8 1. Notwithstanding section 514C.6, an individual
9 or group policy of accident or health insurance or
10 individual or group hospital or health care service
11 contract issued pursuant to chapter 509, 514, or 514A
12 or an individual or group health maintenance
13 organization contract issued and regulated under
14 chapter 514B, which is delivered, amended, or renewed
15 on or after July 1, 1996, and which provides maternity
16 benefits, shall provide coverage for a minimum of
17 forty-eight hours of inpatient care following a
18 vaginal delivery and a minimum of ninety-six hours of
19 inpatient care following a cesarean section for the
20 insured mother and newly born child in a hospital
21 licensed pursuant to chapter 135B.
22 2. a. A mother and newly born child shall only be
23 discharged prior to the minimum inpatient length of
24 care prescribed under subsection 1, if the attending
25 provider determines that the minimum inpatient stay is
26 not necessary, following consultation with the mother.
27 b. If the mother and newly born child are
28 discharged, pursuant to paragraph "a", prior to the
29 required minimum inpatient length of care, the entity
30 providing inpatient services coverage, as described in
31 subsection 1, shall provide coverage for two
32 postdischarge visits for the mother and newly born
33 child, the first of which shall be provided within
34 forty-eight hours of the discharge. The postdischarge
35 visits shall be provided by a certified home health
36 care service selected by the mother and the services
37 shall be provided by a registered nurse with
38 experience in maternal and child health nursing.
39 Services provided during the visits shall include but
40 are not limited to a physical assessment of the newly
41 born child, parent education, assistance and training
42 in breast or bottle feeding, and the performance of
43 any medically necessary and appropriate clinical
44 tests. The services shall be consistent with
45 protocols and guidelines developed by national
46 pediatric, obstetric, and nursing professional
47 organizations for these services.
48 3. An entity providing coverage, as described in
49 subsection 1, shall not deselect, terminate services
50 to, require additional utilization review of, reduce

Page 2

1 payments to, or in any other manner provide
2 disincentives to an attending provider who complies
3 with the provisions of this section.

- 4 4. The commissioner of insurance shall adopt rules
 5 to implement this section and the department of
 6 inspections and appeals shall inform each licensed
 7 hospital of the requirements of this section, in
 8 writing.
 9 5. For the purposes of this section, "attending
 10 provider" means a pediatrician or other licensed
 11 physician attending the newly born child, or an
 12 obstetrician, certified nurse-midwife, or other
 13 physician attending the mother."

MARTIN of Scott
 GARMAN of Story
 HARRISON of Scott
 BODDICKER of Cedar
 BRANSTAD of Winnebago
 HOLVECK of Polk
 BOGCESS of Taylor

DODERER of Johnson
 JOCHUM of Dubuque
 BRAUNS of Muscatine
 McCOY of Polk
 FALLON of Polk
 O'BRIEN of Boone

H-5869

- 1 Amend House File 2490 as follows:
 2 1. Page 1, line 1, by striking the word
 3 "SESQUICENTENNIAL".
 4 2. Page 1, line 9, by striking the word
 5 "sesquicentennial".
 6 3. Page 1, line 11, by striking the word
 7 "SESQUICENTENNIAL".
 8 4. Page 1, line 13, by striking the word
 9 "sesquicentennial".
 10 5. Page 1, line 25, by striking the word
 11 "sesquicentennial".
 12 6. Page 2, line 14, by striking the word
 13 "sesquicentennial".
 14 7. Page 3, line 17, by striking the word
 15 "sesquicentennial".
 16 8. Page 5, line 14, by striking the word
 17 "sesquicentennial".
 18 9. Page 6, line 2, by striking the word
 19 "sesquicentennial".
 20 10. Page 6, line 21, by striking the word
 21 "sesquicentennial".
 22 11. Title page, line 2, by striking the word
 23 "sesquicentennial".

WEIGEL of Chickasa^w

H-5870

- 1 Amend House File 2490 as follows:
 2 1. Page 5, lines 32 and 33, by striking the words
 3 "one hundred twenty-day" and inserting the following:
 4 "ninety-day".
 5 2. Page 6, line 5, by striking the words "one

6 hundred twenty-day" and inserting the following:
 7 "ninety-day".

WEIGEL of Chickasaw

H-5871

1 Amend House File 2490 as follows:
 2 1. Page 4, line 1, by striking the words "eight
 3 million" and inserting the following: "two million
 4 five hundred thousand".

WEIGEL of Chickasaw

H-5874

1 Amend the amendment, H-5683, to Senate File 2195,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 3, line 41, through page 4,
 5 line 6.
 6 2. By renumbering as necessary.

BRUNKHORST of Bremer

H-5875

1 Amend the amendment, H-5608, to Senate File 2265,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 50, by inserting after the word
 5 "custody," the following: "spousal".
 6 2. Page 2, line 18, by inserting after the word
 7 "custody," the following: "spousal".

KREIMAN of Davis

H-5876

1 Amend Senate File 2344, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by striking lines 24 and 25, and
 4 inserting the following: "with the provisions of the
 5 order this section, the payor is liable for the".
 6 2. Page 13, line 14, by inserting after the word
 7 "owing," the following: "If a payor of income fails
 8 to withhold income in accordance with section 252D.17
 9 and interest accrues after thirty days after the
 10 payment becomes due and owing, the payor is liable for
 11 payment of the interest accrued."
 12 3. Page 13, by inserting after line 14, by
 13 following:
 14 "DIVISION VIII
 15 DUTY OF CHILD SUPPORT RECOVERY UNIT
 16 Sec. ____ Section 252B.5, Code 1995, is amended by
 17 adding the following new subsection:

18 NEW SUBSECTION. 10. Information in written or
 19 visual form which advises the absent parent and the
 20 resident parent of the services provided by the unit,
 21 of each party's rights and responsibilities relative
 22 to a child support obligation, and of the applicable
 23 sanctions and penalties for noncompliance with a child
 24 support obligation."
 25 4. By renumbering as necessary.

GIPP of Winneshiek

H-5881

1 Amend House File 2490 as follows:

2 1. Page 1 by inserting after line 34 the
 3 following:

4 "f. That the fund will not accept an investment
 5 until it has received a disclosure signed by the
 6 investor stating that the availability of state
 7 funding for investment refunds is not guaranteed. The
 8 disclosure shall be a separate document printed in
 9 capital letters in ten point boldface type and shall
 10 be in the following form:

11

12 DISCLOSURE REGARDING NONGUARANTEE OF REFUND

13

14 EARLY-PHASE, GROWTH-PHASE, AND MEZZANINE-PHASE
 15 INVESTMENTS INHERENTLY INVOLVE A HIGH DEGREE OF RISK.
 16 THE STATE OF IOWA HAS A PROGRAM TO ENCOURAGE PRIVATE
 17 INVESTMENT IN THESE HIGH RISK VENTURES BY PROVIDING A
 18 PARTIAL INVESTMENT REFUND UNDER CERTAIN CONDITIONS.

19 THE ELIGIBILITY OF YOUR INVESTMENT FOR AN
 20 INVESTMENT REFUND IS NOT TIED TO THE YEAR YOU INVEST
 21 IN THIS INVESTMENT ENTITY. ELIGIBILITY FOR A REFUND
 22 IS DEPENDENT ON THE YEAR THIS INVESTMENT ENTITY
 23 INVESTS YOUR FUNDS IN A QUALIFIED BUSINESS.

24 AVAILABILITY OF STATE FUNDS TO PAY INVESTMENT
 25 REFUNDS IS SUBJECT TO A STANDING LIMITED
 26 APPROPRIATION.

27 ONE LEGISLATURE CANNOT BIND THE ACTIONS OF A FUTURE
 28 LEGISLATURE. A FUTURE LEGISLATURE COULD INCREASE THE
 29 STANDING APPROPRIATION, DECREASE THE APPROPRIATION, OR
 30 ELIMINATE THE APPROPRIATION ENTIRELY.

31 EACH YEAR, REFUND CLAIMS WILL BE PAID IN FULL IN
 32 THE ORDER THAT THEY ARE RECEIVED. AFTER THE ENTIRE
 33 APPROPRIATION HAS BEEN EXPENDED, ADDITIONAL REFUND
 34 CLAIMS WILL NOT BE PAID. UNPAID REFUND CLAIMS CANNOT
 35 BE CARRIED FORWARD TO FUTURE YEARS.

36 IF YOU HAVE QUESTIONS REGARDING THE AVAILABILITY OF
 37 STATE FUNDS TO PAY INVESTMENT REFUNDS, YOU SHOULD
 38 CONTACT THE IOWA SECURITIES BUREAU OF THE INSURANCE
 39 DIVISION OF THE DEPARTMENT OF COMMERCE AT (current
 40 address and phone number).

41

42 I HEREBY ACKNOWLEDGE RECEIPT OF THIS DISCLOSURE.

43
44

45
46 DATE SIGNATURE"

WEIGEL of Chickasaw

H-5882

1 Amend House File 2490 as follows:

2 1. Page 1 by inserting after line 34 the
3 following:

4 "f. That the fund will not accept an investment
5 until it has received a disclosure signed by the
6 investor stating that the government does not endorse
7 the fund, the fund managers, or any investments made
8 by the fund. The disclosure shall be a separate
9 document printed in capital letters in ten point
10 boldface type and shall be in the following form:

11
12 DISCLOSURE REGARDING NONENDORSEMENT BY THE GOVERNMENT
13

14 EARLY-PHASE, GROWTH-PHASE, AND MEZZANINE-PHASE
15 INVESTMENTS INHERENTLY INVOLVE A HIGH DEGREE OF RISK.
16 THE STATE OF IOWA HAS A PROGRAM TO ENCOURAGE PRIVATE
17 INVESTMENT IN THESE HIGH RISK VENTURES BY PROVIDING A
18 PARTIAL INVESTMENT REFUND UNDER CERTAIN CONDITIONS.

19 NEITHER THE FACT THAT THIS INVESTMENT ENTITY IS
20 REGISTERED AS AN ELIGIBLE FUND UNDER THE STATE PROGRAM
21 NOR THE FACT THAT SPECIFIC INVESTMENTS MADE BY THIS
22 FUND MAY BE ELIGIBLE FOR A REFUND UNDER THE STATE
23 PROGRAM CONSTITUTES AN ENDORSEMENT BY THE STATE OR
24 SECURITIES BUREAU REGULATORS OF THE INVESTMENT ENTITY
25 ITSELF, THE MANAGERS OF THE ENTITY, OR SPECIFIC
26 INVESTMENTS MADE BY THE ENTITY.

27 THE SECURITIES BUREAU DOES NOT PROVIDE A HIGHER
28 LEVEL OF EXAMINATION OR OVERSIGHT OF THIS INVESTMENT
29 ENTITY OR INVESTMENTS MADE BY THIS ENTITY THAN OF
30 SIMILAR ENTITIES OR INVESTMENTS WHICH ARE NOT ELIGIBLE
31 TO PARTICIPATE IN THE STATE INCENTIVE PROGRAM.

32 IF YOU HAVE QUESTIONS REGARDING THE ELIGIBILITY OF
33 THIS ENTITY UNDER THE STATE PROGRAM OR THE TYPES OF
34 INVESTMENTS WHICH MAY BE ELIGIBLE UNDER THE STATE
35 PROGRAM, YOU SHOULD CONTACT THE IOWA SECURITIES BUREAU
36 OF THE INSURANCE DIVISION OF THE DEPARTMENT OF
37 COMMERCE AT (current address and phone number).

38
39 I HEREBY ACKNOWLEDGE RECEIPT OF THIS DISCLOSURE.

40
41

42
43 DATE SIGNATURE"

WEIGEL of Chickasaw

H-5885

- 1 Amend Senate File 2406, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, lines 10 and 11, by striking the words
 4 "who has reached the age of twelve and is under the
 5 age of eighteen".

O'BRIEN of Boone

H-5895

- 1 Amend House File 2496 as follows:
 2 1. Page 2, line 22, by inserting after the word
 3 "or" the following: "to commercial operations which
 4 are swine confinement feeding operations".
 5 2. Page 2, by striking line 27 and inserting the
 6 following: "pursuant to this chapter which apply to
 7 commercial operations which are confinement feeding
 8 operations as defined in section 455B.161 in which
 9 swine are confined and fed. A swine confinement
 10 feeding operation is not a commercial operation
 11 subject to regulation under this chapter, if any of
 12 the following is applicable:
 13 a. Less than three thousand five hundred head of
 14 swine are subject to care and feeding by the
 15 confinement feeding operation.
 16 b. The owner of the parcel of land where the
 17 confinement feeding operation is located is qualified
 18 to file for a homestead tax credit as provided
 19 pursuant to section 425.2 on that parcel.
 20 The petition shall meet the".
 21 3. Page 3, by striking line 3 and inserting the
 22 following: "as provided in this subsection."

WEIGEL of Chickasaw

H-5897

- 1 Amend the Senate amendment, H-5879, to House File
 2 511, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 4, by inserting after the word
 5 "~~ten~~" the following: "fifteen".
 6 2. Page 1, lines 4 and 5, by striking the words
 7 "~~to exceed ten up to~~" and inserting the following:
 8 "up to exceed ten".
 9 3. Page 1, line 9, by inserting after the word
 10 "~~ten~~" the following: "fifteen".
 11 4. Page 1, line 10, by striking the words "~~to~~
 12 ~~exceed ten up to~~" and inserting the following: "up to
 13 ~~exceed ten~~".

HOLVECK of Polk

H-5900

1 Amend House File 2312 as follows:

2 1. Page 1, line 7, by striking the words
3 "providing that" and inserting the following:
4 "allowing for".

5 2. Page 1, line 8, by striking the words "be
6 made".

7 3. Page 4, line 11, by inserting before the word
8 "home" the following: "mobile".

HALVORSON of Clayton

H-5901

1 Amend House File 2496 as follows:

2 1. Page 2, line 22, by inserting after the word
3 "or" the following: "to commercial operations which
4 are swine confinement feeding operations".

5 2. Page 2, by striking line 27 and inserting the
6 following: "pursuant to this chapter which apply to
7 commercial operations that are confinement feeding
8 operations in which swine are confined and fed. A
9 swine confinement feeding operation is not a
10 commercial operation subject to regulation under this
11 chapter, if any of the following is applicable:

12 a. Less than three thousand five hundred head of
13 swine are subject to care and feeding by the
14 confinement feeding operation.

15 b. The owner of the parcel of land where the
16 confinement feeding operation is located is qualified
17 to file for a homestead tax credit on that parcel.
18 The petition shall meet the".

19 3. Page 3, by striking line 3 and inserting the
20 following: "as provided in this subsection."

WEIGEL of Chickasaw

H-5903

1 Amend House File 2447 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Sec. ____ Section 476.6, subsection 19, paragraph
5 d, Code 1995, is amended by striking the paragraph and
6 inserting in lieu thereof the following:

7 d. A gas or electric rate-regulated public utility
8 may recover, through an automatic adjustment mechanism
9 filed pursuant to subsection 11, over a period not to
10 exceed the term of the plan, the costs of an energy
11 efficiency plan approved by the board in a contested
12 case proceeding conducted pursuant to paragraph "a".
13 The board shall periodically conduct a contested case
14 proceeding to evaluate the reasonableness and prudence
15 of the utility's implementation of an approved energy

- 16 efficiency plan and budget. If a utility is not
 17 taking all reasonable actions to cost-effectively
 18 implement an approved energy efficiency plan, the
 19 board shall not allow the utility to recover from
 20 customers costs in excess of those costs that would be
 21 incurred under reasonable and prudent implementation
 22 and shall not allow the utility to recover future
 23 costs at a level other than what the board determines
 24 to be reasonable and prudent. If the result of a
 25 contested case proceeding is a judgment against a
 26 utility, that utility's future level of cost recovery
 27 shall be reduced by the amount by which the programs
 28 were found to be imprudently conducted. The utility
 29 shall not represent energy efficiency in customer
 30 billings as a separate cost or expense unless the
 31 board otherwise approves."
 32 2. Title page, by striking lines 1 through 4 and
 33 inserting the following: "An Act allowing for
 34 recovery of certain utility costs."
 35 3. By renumbering as necessary.

HOLVECK of Polk
 SHOULTZ of Black Hawk
 BURNETT of Story
 BERNAU of Story

H-5905

- 1 Amend the amendment, H-5757, to House File 2306, as
 2 passed by the House, as follows:
 3 1. Page 1, line 15, by striking the word and
 4 figure "May 24" and inserting the following: "June
 5 30".

FALLON of Polk

H-5906

- 1 Amend the amendment, H-5757, to House File 2306, as
 2 passed by the House, as follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "skis" the following: ", water skiing,".

FALLON of Polk

H-5907

- 1 Amend the amendment, H-5757, to House File 2306, as
 2 passed by the House, as follows:
 3 1. Page 1, line 10, by inserting after the word
 4 "lake." the following: "The department shall define
 5 no-wake speed."

FALLON of Polk

H-5908

- 1 Amend House File 2490 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. There is appropriated from the general
- 5 fund of the state to the department of economic
- 6 development for the fiscal year beginning July 1,
- 7 1997, and ending June 30, 1998, the following amount,
- 8 or so much thereof as is necessary, to be used for the
- 9 purposes designated:
- 10 For deposit in the community economic betterment
- 11 program account to be used for awards to Iowa
- 12 companies which are less than five years old and which
- 13 employ only Iowa residents to assist in modernization
- 14 or expansion of operations:
- 15 \$ 8,000,000"
- 16 2. Title page, by striking lines 1 through 3 and
- 17 inserting the following: "An Act making an
- 18 appropriation to the community economic betterment
- 19 account for the fiscal year beginning July 1, 1997."

WEIGEL of Chickasaw

H-5914

- 1 Amend Senate File 2365, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 28 the
- 4 following:
- 5 "Sec. . NEW SECTION. 509A.14A IOWA INDIVIDUAL
- 6 HEALTH BENEFIT REINSURANCE ASSOCIATION – ELECTION NOT
- 7 TO PARTICIPATE.
- 8 A political subdivision of the state or a school
- 9 corporation providing health insurance or health
- 10 benefits for employees pursuant to this chapter may
- 11 elect not to participate in the Iowa individual health
- 12 benefit reinsurance association established in section
- 13 513C.10 in accordance with and subject to the terms
- 14 and conditions adopted by the board of the Iowa
- 15 individual health benefit reinsurance association.
- 16 Health insurance or health benefits provided by a
- 17 political subdivision of the state or school
- 18 corporation which elects not to participate in the
- 19 Iowa individual health benefit reinsurance association
- 20 shall not be considered qualifying existing coverage
- 21 or qualifying previous coverage as defined in section
- 22 513C.3."
- 23 2. Title page, line 4, by inserting after the
- 24 word "commission," the following: "health insurance
- 25 and benefits,".
- 26 3. By renumbering as necessary.

TYRRELL of Iowa

H-5932

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 4, by striking the word "two" and
- 4 inserting the following: "five".

FALLON of Polk

H-5933

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 20 and 21 and
- 4 inserting the following: "as provided in this
- 5 paragraph."

KREIMAN of Davis

H-5934

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 18, by inserting after the figure
- 4 "562B.14" the following: ", whether or not the
- 5 landlord or agent signs a receipt for the notice,".

HOLVECK of Polk

H-5935

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, lines 8 and 9, by striking the words
- 4 "The attempts to perfect personal service may be made
- 5 on the same day."

HOLVECK of Polk

H-5936

- 1 Amend Senate File 2372, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 7, by striking the word "three"
- 4 and inserting the following: "seven".
- 5 2. Page 3, line 15, by striking the word "three"
- 6 and inserting the following: "seven".

McCOY of Polk

H-5937

- 1 Amend Senate File 2365, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 28 the
- 4 following:
- 5 "Sec. ____ Section 509A.12, Code Supplement 1995,

6 is amended by adding the following new unnumbered
7 paragraph:
8 NEW UNNUMBERED PARAGRAPH. Upon receipt of an
9 employee's contribution for investment in any deferred
10 payment contract, the governing body or board of
11 supervisors shall make such investment in the deferred
12 payment contract on the date of receipt of such
13 contribution."

WEIGEL of Chickasaw

H-5942

1 Amend House File 2496 as follows:
2 1. Page 12, by inserting after line 12 the
3 following:
4 "Sec. ____ NEW SECTION. 509A.14A IOWA INDIVIDUAL
5 HEALTH BENEFIT REINSURANCE ASSOCIATION - ELECTION NOT
6 TO PARTICIPATE.
7 A political subdivision of the state or a school
8 corporation providing health insurance or health
9 benefits for employees pursuant to this chapter may
10 elect not to participate in the Iowa individual health
11 benefit reinsurance association established in section
12 513C.10 in accordance with and subject to the terms
13 and conditions adopted by the board of the Iowa
14 individual health benefit reinsurance association.
15 Health insurance or health benefits provided by a
16 political subdivision of the state or school
17 corporation which elects not to participate in the
18 Iowa individual health benefit reinsurance association
19 shall not be considered qualifying existing coverage
20 or qualifying previous coverage as defined in section
21 513C.3."
22 2. Title page, line 8, by inserting after the
23 word "taxes," the following: "by providing for health
24 insurance and benefits,".

VANDE HOEF of Osceola

H-5946

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "Sec. ____ Section 562A.27, subsection 1, Code
6 Supplement 1995, is amended to read as follows:
7 1. Except as provided in this chapter, if there is
8 a material noncompliance by the tenant with the rental
9 agreement or a noncompliance with section 562A.17
10 materially affecting health and safety, the landlord
11 may deliver a written notice to the tenant specifying
12 the acts and omissions constituting the breach and
13 that the rental agreement will terminate upon a date

14 not less than ~~seven~~ thirty days after receipt of the
 15 notice if the breach is not remedied in ~~seven~~ fourteen
 16 days, and the rental agreement shall terminate as
 17 provided in the notice subject to the provisions of
 18 this section. If the breach is remediable by repairs
 19 or the payment of damages or otherwise and the tenant
 20 adequately remedies the breach prior to the date
 21 specified in the notice, the rental agreement shall
 22 not terminate. If substantially the same act or
 23 omission which constituted a prior noncompliance of
 24 which notice was given recurs within six months, the
 25 landlord may terminate the rental agreement upon at
 26 least ~~seven~~ fourteen days' written notice specifying
 27 the breach and the date of termination of the rental
 28 agreement.

29 Sec. ____ Section 562A.27, subsection 4, paragraph
 30 b, Code Supplement 1995, is amended to read as
 31 follows:

32 b. That the tenant notified the landlord at least
 33 ~~seven~~ fourteen days prior to the due date of the
 34 tenant's rent payment of the tenant's intention to
 35 correct the condition constituting the breach referred
 36 to in paragraph "a" at the landlord's expense; and".

37 2. By renumbering as necessary.

KREIMAN of Davis

H-5947

1 Amend Senate File 2372, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 3 the
 4 following:

5 "Sec. ____ Section 562A.34, subsection 2, Code
 6 1995, is amended to read as follows:

7 2. The landlord, for good cause only, or the
 8 tenant may terminate a month-to-month tenancy by a
 9 written notice given to the other at least thirty days
 10 prior to the periodic rental date specified in the
 11 notice."

12 2. By renumbering as necessary.

KREIMAN of Davis

H-5950

1 Amend Senate File 2372, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 21 the
 4 following:

5 "Sec. ____ Section 562A.12, subsection 2, Code
 6 1995, is amended to read as follows:

7 2. All rental deposits shall be held by the
 8 landlord for the tenant, who is a party to the
 9 agreement, in a bank or savings and loan association

10 or credit union which is insured by an agency of the
 11 federal government. Rental deposits shall not be
 12 commingled with the personal funds of the landlord.
 13 Notwithstanding the provisions of chapter 543B, all
 14 rental deposits may be held in a trust account, which
 15 may be a common trust account and which may be an
 16 interest bearing account. Any interest earned on a
 17 rental deposit during the first five years of a
 18 tenancy shall be the property of the ~~landlord~~ tenant."
 19 2. By renumbering as necessary.

McCOY of Polk

H-5951

1 Amend Senate File 2372, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 3 the
 4 following:
 5 "Sec. ____ Section 562A.36, subsection 1,
 6 unnumbered paragraph 1, Code 1995, is amended to read
 7 as follows:
 8 Except as provided in this section, a landlord may
 9 shall not retaliate by increasing rent or decreasing
 10 services or by bringing or threatening to bring an
 11 action for possession within one year after."
 12 2. By renumbering as necessary.

FALLON of Polk

H-5952

1 Amend Senate File 2372, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 22 through 29 and
 4 inserting the following:
 5 "Sec. ____ Section 562A.21, subsection 1,
 6 unnumbered paragraph 1, Code Supplement 1995, is
 7 amended to read as follows:
 8 Except as provided in this chapter, if there is a
 9 material noncompliance by the landlord with the rental
 10 agreement or a noncompliance with section 562A.15 or
 11 562A.19 materially affecting health and safety, the
 12 tenant may elect to commence an action under this
 13 section and shall deliver a written notice to the
 14 landlord specifying the acts and omissions
 15 constituting the breach and that the rental agreement
 16 will terminate upon a date not less than seven days
 17 after receipt of the notice if the breach is not
 18 remedied in seven days, and the rental agreement shall
 19 terminate and the tenant shall surrender as provided
 20 in the notice subject to the following:
 21 Sec. ____ Section 562A.27, subsection 1, Code
 22 Supplement 1995, is amended to read as follows:
 23 1. Except as provided in this chapter, if there is

24 a material noncompliance by the tenant with the rental
 25 agreement or a noncompliance with section 562A.17 or
 26 562A.19 materially affecting health and safety, the
 27 landlord may deliver a written notice to the tenant
 28 specifying the acts and omissions constituting the
 29 breach and that the rental agreement will terminate
 30 upon a date not less than seven days after receipt of
 31 the notice if the breach is not remedied in seven
 32 days, and the rental agreement shall terminate as
 33 provided in the notice subject to the provisions of
 34 this section. If the breach is remediable by repairs
 35 or the payment of damages or otherwise and the tenant
 36 adequately remedies the breach prior to the date
 37 specified in the notice, the rental agreement shall
 38 not terminate. If substantially the same act or
 39 omission which constituted a prior noncompliance of
 40 which notice was given recurs within six months, the
 41 landlord may terminate the rental agreement upon at
 42 least seven days' written notice specifying the breach
 43 and the date of termination of the rental agreement."
 44 2. By renumbering as necessary.

FALLON of Polk

H-5953

1 Amend Senate File 2372, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 21 the
 4 following:
 5 "Sec. ____ Section 562A.10, subsection 2, Code
 6 1995, is amended to read as follows:
 7 2. If a tenant does not sign and deliver a written
 8 rental agreement, which shall be signed and delivered
 9 to the tenant by the landlord at least thirty days
 10 prior to the effective date of the agreement,
 11 acceptance of possession without reservation gives the
 12 rental agreement the same effect as if it had been
 13 signed and delivered by the tenant."
 14 2. By renumbering as necessary.

HOLVECK of Polk

H-5954

1 Amend Senate File 2372, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 17, by striking the words
 4 "certified mail" and inserting the following: "first
 5 class mail, certified mail,".
 6 2. Page 2, line 21, by striking the words
 7 "certified mail" and inserting the following: "first
 8 class mail, certified mail,".
 9 3. Page 3, lines 10 and 11, by striking the words

- 10 ~~"and first class mail"~~ and inserting the following:
 11 "and first class mail".

HOLVECK of Polk

H-5956

- 1 Amend the amendment, H-5914, to Senate File 2365,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 10, by striking the words "this
 5 chapter" and inserting the following: "section
 6 509A.14".

TYRRELL of Iowa

H-5958

- 1 Amend the amendment, H-5683, to Senate File 2195,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 1, line 27, through page 2,
 5 line 2.
 6 2. Page 2, by striking lines 15 through 37.
 7 3. Page 5, by striking lines 14 through 20 and
 8 inserting the following:
 9 "Section 7, subsection 1, of this Act, which".
 10 4. By renumbering as necessary.

BRUNKHORST of Bremer

H-5962

- 1 Amend the amendment, H-5515, to Senate File 2245,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 18, by inserting before line 3 the
 5 following:
 6 "Sec. ____ Section 97B.49, subsection 15, Code
 7 Supplement 1995, is amended by adding the following
 8 new paragraph:
 9 c. For each active or inactive vested member
 10 retiring on or after July 1, 1996, who is not eligible
 11 to receive benefits under paragraph "b" and who is at
 12 least fifty-nine years and six months of age and for
 13 which the sum of the number of years of membership
 14 service and prior service and the member's age in
 15 years as of the member's last birthday equals or
 16 exceeds eighty-eight, a monthly benefit shall be
 17 computed which is equal to one-twelfth of the same
 18 percentage of the three-year average covered wage of
 19 the member as is provided in subsection 5, multiplied
 20 by a fraction of years of service as is provided in
 21 subsection 5."
 22 2. By renumbering as necessary.

HALVORSON of Clayton

H-5964

1 Amend Senate File 2435, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 216A.136, unnumbered paragraph
6 1, as enacted by 1996 Iowa Acts, House File 2448,
7 section 2, if enacted, is amended to read as follows:
8 The division shall maintain an Iowa statistical
9 analysis center for the purpose of coordinating with
10 data resource agencies to provide data and analytical
11 information to federal, state, and local governments,
12 and assist agencies in the use of criminal and
13 juvenile justice data. Notwithstanding any other
14 provision of state law, unless prohibited by federal
15 law or regulation, the division shall be granted
16 access, for purposes of research and evaluation, to
17 criminal history records, official juvenile court
18 records, juvenile court social records, and any other
19 data collected or under control of the board of
20 parole, department of corrections, district
21 departments of correctional services, department of
22 human services, judicial department, and department of
23 public safety. However, intelligence data and peace
24 officer investigative reports maintained by the
25 department of public safety shall not be considered
26 data for the purposes of this section. Any record,
27 data, or information obtained by the division under
28 this section and the division itself are subject to
29 the federal and state confidentiality laws and
30 regulations which are applicable to the original
31 record, data, or information obtained by the division
32 and to the original custodian of the record, data, or
33 information. The access shall include but is not
34 limited to all of the following:

35 Sec. 2. Section 216A.136, subsection 4, as enacted
36 by 1996 Iowa Acts, House File 2448, section 2, if
37 enacted, is amended to read as follows:

38 4. Criminal history and intelligence data
39 maintained under chapter 692."

40 2. Title page, line 1, by inserting after the
41 word "to" the following: "criminal and juvenile
42 justice, including criminal intelligence data and".

43 3. By renumbering as necessary.

COON of Warren
KREIMAN of Davis

H-5965

1 Amend Senate File 2365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting after line 28 the
4 following:

5 "Sec. ____ Section 509A.12, Code Supplement 1995,
6 is amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. Upon receipt of an
9 employee's contribution for investment in any deferred
10 payment contract, the governing body or board of
11 supervisors shall make such investment in the deferred
12 payment contract by the third business day following
13 the date of receipt of such contribution."

WEIGEL of Chickasaw

H-5966

1 Amend House File 2447 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 422.51, Code 1995, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 5. The taxes remitted pursuant to
7 this division shall be reduced by an alternate energy
8 purchase tax credit. An electric utility which has
9 purchased electricity from an alternate energy
10 production facility or small hydro facility pursuant
11 to section 476.43 shall be granted the credit. The
12 credit shall equal the difference between the
13 competitively bid rate per kilowatt hour that the
14 utility paid for purchase of the electricity and the
15 rate which is equivalent to the utility's total annual
16 average cost per kilowatt hour of electricity for the
17 year prior to the year in which the utility entered
18 into the contract for purchase of the alternate
19 energy. A utility's total annual average cost per
20 kilowatt hour shall be calculated by dividing annual
21 operating expenses by the total annual number of
22 kilowatt hours sold. This difference shall be used to
23 determine the alternate energy purchase tax credit for
24 the remainder of the term of the contract. The tax
25 credit shall not be less than zero."

26 2. Page 1, by inserting after line 26 the
27 following:

28 "Sec. ____ Section 476.1A, Code 1995, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 7. Encouragement of alternate
31 energy production and the purchase of alternate
32 energy."

33 3. Page 1, by inserting after line 33 the
34 following:

35 "Sec. ____ Section 476.1A, unnumbered paragraph 3,
36 Code 1995, is amended to read as follows:

37 However, sections 476.20, 476.21, 476.41 through
38 476.44, 476.51, 476.56, 476.62, and 476.66 and

39 chapters 476A and 478, to the extent applicable, apply
40 to such electric utilities.

41 Sec. ____ Section 476.1B, subsection 1, paragraph
42 g, Code 1995, is amended by striking the paragraph and
43 inserting in lieu thereof the following:

44 g. Encouragement of alternate energy production
45 and the purchase of alternate energy.”

46 4. Page 4, by inserting after line 33 the
47 following:

48 “Sec. ____ Section 476.6, Code 1995, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 22. ALTERNATE ENERGY PROMOTIONAL

Page 2

1 RATES. The board shall require that electric
2 utilities offer to their customers the opportunity to
3 pay, on a voluntary basis, an alternate energy
4 promotional rate. This rate shall exceed the rate for
5 electricity otherwise payable and shall be designed
6 and encouraged by the electric utility to maximize
7 voluntary financial support for alternate energy
8 production. The alternate energy promotional rate
9 shall be filed as a tariff with the board pursuant to
10 section 476.4. Retaining only amounts approved by the
11 board for its administrative and marketing costs, the
12 electric utility shall remit that portion of the
13 electric rate attributable to the alternate energy
14 promotional rate to the state treasurer to be
15 allocated to the general fund of the state to offset
16 the cost of the alternate energy purchase tax credit
17 under section 422.51.”

18 5. Page 5, by inserting after line 31 the
19 following:

20 “Sec. ____ Section 476.42, subsection 1, paragraph
21 a, Code 1995, is amended to read as follows:

22 a. A solar, wind turbine, waste management,
23 resource methane recovery, refuse-derived fuel,
24 agricultural crops or residues, or woodburning
25 facility.

26 Sec. ____ Section 476.42, subsection 3, Code 1995,
27 is amended by striking the subsection.

28 Sec. ____ Section 476.42, subsection 4, paragraph
29 a, Code 1995, is amended to read as follows:

30 a. A hydroelectric facility at a dam located
31 within this state.

32 Sec. ____ Section 476.42, Code 1995, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 5. “Alternate energy” means
35 electricity derived from hydro, solar, wind, methane
36 recovery, agricultural crops or residues, or
37 woodburning energy.

38 Sec. ____ Section 476.43, subsection 1, Code 1995,

39 is amended to read as follows:

40 1. Subject to section 476.44, the board shall
41 require electric utilities to enter into long-term
42 contracts to do the following:

43 a. Purchase or wheel electricity from alternate
44 energy production facilities or small hydro facilities
45 ~~located in the utility's service area under the terms~~
46 and conditions that the board finds are just and
47 economically reasonable to the electric utilities'
48 ratepayers, are nondiscriminatory to alternate energy
49 producers and small hydro producers and will further
50 the policy stated in section 476.41.

Page 3

1 b. Provide for the availability of supplemental or
2 backup power to alternate energy production facilities
3 or small hydro facilities on a nondiscriminatory basis
4 and at just and reasonable rates.

5 c. If the parties fail to agree on the terms of a
6 contract required pursuant to this section, a party
7 may request that the board intervene. The board shall
8 have sixty days from the date of the intervention
9 request to render a decision on the contract.

10 Sec. ____ Section 476.43, subsections 2, 3, and 4,
11 Code 1995, are amended by striking the subsections and
12 inserting in lieu thereof the following:

13 2. The board shall establish a uniform competitive
14 bidding process so that an electric utility shall
15 acquire alternate energy at a just and economically
16 based market rate. An alternate energy contract shall
17 require that the utility pay the competitive bid rate
18 to the facility during the contract term. The
19 kilowatt per hour competitive bid rate shall not be
20 less than the annual average rate of off-peak kilowatt
21 per hour rates and peak kilowatt per hour rates at
22 which an electric utility would have had to purchase
23 the power. An electric utility may produce its own
24 alternate energy by constructing and operating an
25 alternate energy production facility or small hydro
26 facility if the facility is constructed and operated
27 as a separate affiliate entity. However, the electric
28 utility shall participate in the competitive bidding
29 process using a third-party evaluator. A bid from an
30 electric utility producing its own alternate energy
31 shall not take into account regulated industry-based
32 factors including, but not limited to, eminent domain
33 and transmission ownership in order to produce a lower
34 cost bid.

35 3. Notwithstanding section 476.51, an electric
36 utility which fails to comply with the requirements of
37 subsection 1 or which obstructs the policy of this
38 state as stated in section 476.41 shall be subject to

39 a civil penalty, levied by the board, in an amount
 40 that is equivalent to three times the total project
 41 capital cost of the lowest bid filed with the board to
 42 comply with the requirements of subsection 1. Civil
 43 penalties collected under this subsection shall be
 44 forwarded to the treasurer of state to be credited to
 45 the Iowa energy center. Any moneys allocated to the
 46 Iowa energy center pursuant to this subsection shall
 47 be used solely for providing grants to nonprofit
 48 agencies for alternate energy production. These
 49 penalties shall be excluded from the electric
 50 utility's costs when determining the electric

Page 4

1 utility's revenue requirement, and shall not be
 2 included either directly or indirectly in the electric
 3 utility's rates or charges to customers.

4 4. Notwithstanding subsection 2, alternate energy
 5 produced by recovery of methane at a sanitary landfill
 6 shall be purchased at the rate existing as of January
 7 1, 1996.

8 Sec. ____ Section 476.43, Code 1995, is amended by
 9 adding the following new subsection:

10 **NEW SUBSECTION. 7.** An electric utility purchasing
 11 alternate energy pursuant to this section shall be
 12 entitled to an alternate energy purchase tax credit.
 13 The electric utility shall reflect the tax credit
 14 received by the utility in the utility's automatic
 15 adjustment pursuant to section 476.6, subsection 11.
 16 The credit shall be equal to the difference between
 17 the kilowatt hour rate established through the
 18 competitive bidding process and the rate that is
 19 equivalent to the utility's total annual average cost
 20 per kilowatt hour of electricity for the year prior to
 21 the year in which the utility entered into the
 22 contract for purchase of the alternate energy as
 23 determined under section 422.51, subsection 5.

24 Sec. ____ Section 476.44, subsection 1, Code 1995,
 25 is amended by striking the subsection.

26 Sec. ____ Section 476.44, subsection 2, Code 1995,
 27 is amended to read as follows:

28 2. a. An electric utility subject to this
 29 division, except a utility which elects rate
 30 regulation pursuant to section 476.1A, shall ~~not be~~
 31 required to purchase, ~~at any one time, more than its~~
 32 share of ~~one~~ two hundred five ten megawatts of power
 33 from alternative energy production facilities or small
 34 hydro facilities ~~at the rates in accordance with the~~
 35 competitive bidding process established pursuant to
 36 section 476.43 and pursuant to timelines established
 37 under paragraph "c". For purposes of this section,
 38 "megawatt" shall be determined in accordance with a

39 utility's average capacity. "Average capacity" means
40 a utility's total output over a year divided by the
41 number of hours in the year. The board shall allocate
42 the ~~one~~ two hundred ~~five~~ ten megawatts based upon each
43 utility's percentage of the total Iowa retail peak
44 demand, for the year beginning January 1, 1990, of all
45 utilities subject to this section. If a utility
46 undergoes reorganization as defined in section 476.76,
47 the board shall combine the allocated purchases of
48 power for each utility involved in the reorganization.
49 Notwithstanding the ~~one~~ two hundred ~~five~~ ten
50 megawatt maximum, the board may increase the amount of

Page 5

1 power that a utility is required to purchase ~~at the~~
2 ~~rates established pursuant to section 476.43~~ if the
3 board finds that a utility, including a reorganized
4 utility, exceeds its 1990 Iowa retail peak demand by
5 twenty percent and the additional power the utility is
6 required to purchase will encourage the development of
7 alternate energy production facilities and small hydro
8 facilities. The increase shall not exceed the
9 utility's increase in peak demand multiplied by the
10 ratio of the utility's share of the ~~one~~ two hundred
11 ~~five~~ ten megawatt maximum to its 1990 Iowa retail peak
12 demand.

13 b. Of that portion of alternate energy required to
14 be purchased by a utility under this section, eighty-
15 five percent shall be purchased from alternate energy
16 production facilities or small hydro facilities
17 generating electricity with current and viable
18 technologies and fifteen percent shall be purchased
19 from alternate energy production facilities generating
20 electricity from new technologies. The board shall
21 provide for a minimum of thirty percent of the eighty-
22 five percent required purchase of alternate energy
23 under this paragraph to be purchased from small hydro
24 facilities. Of the eighty-five percent, thirty
25 percent shall be purchased in accordance with the
26 following:

27 (1) At least ten percent shall be from dedicated
28 energy crops grown within the state, fifty percent of
29 which shall be from projects of five hundred kilowatts
30 or less.

31 (2) At least ten percent shall be from
32 agricultural wastes produced from agricultural crops
33 grown within the state, fifty percent of which shall
34 be from projects of five hundred kilowatts or less.

35 (3) At least ten percent shall be from small scale
36 wind generation projects located within the state of
37 two hundred fifty kilowatts or less.

38 c. By December 31, 1997, the board shall require

39 an electric utility to enter into contracts for the
 40 purchase of the utility's allotted share of eighty-
 41 nine megawatts of electricity generated from alternate
 42 energy production facilities, and by July 1, 1999, the
 43 board shall require the utility to enter into
 44 contracts for the purchase of the utility's allotted
 45 share of an additional one hundred five megawatts.
 46 For purposes of this section, new technologies include
 47 only those technologies that use nonfossil fuel to
 48 derive renewable energy."

49 6. Page 6, by inserting after line 35 the
 50 following:

Page 6

1 "Sec. ____ APPLICABILITY TO EXISTING CONTRACTS.

2 The provisions of this Act relating to alternate
 3 energy shall not affect the terms and conditions of
 4 any contract between an alternate energy production
 5 facility or small hydro facility and an electric
 6 utility that was entered into pursuant to sections
 7 476.43 and 476.44 for purchase of alternate energy if
 8 the contract was entered into prior to the effective
 9 date of this Act. In addition, this Act shall not
 10 affect potential contracts between alternate energy
 11 production facilities and electric utilities if a
 12 petition relating to the potential contracts has been
 13 filed by January 1, 1996, and an action is currently
 14 pending before the Iowa utilities board. For purposes
 15 of the pending actions, the Iowa utilities board shall
 16 not take into account the changes contained in this
 17 Act.

18 Sec. ____ It is the intent of the general assembly
 19 that persons who have proceeded in good faith under
 20 the terms and conditions of sections 476.43 and
 21 476.44, prior to their amendment by this Act, not
 22 suffer economic loss as a result of this Act. These
 23 persons shall be reimbursed by the utilities for their
 24 reasonable good faith development costs as determined
 25 by the Iowa utilities board."

26 7. Title page, line 1, by inserting after the
 27 word "efficiency" the following: "and alternate
 28 energy".

29 8. Title page, line 4, by inserting after the
 30 word "research" the following: "and providing an
 31 applicability provision".

32 9. By renumbering as necessary.

SHOULTZ of Black Hawk
 WITT of Black Hawk
 BURNETT of Story
 MASCHER of Johnson
 VANDE HOEF of Osceola
 HOLVECK of Polk

H-5968

- 1 Amend House File 2447 as follows:
- 2 1. Page 5, by inserting after line 31 the
- 3 following:
- 4 "Sec. . NEW SECTION. 476.46 NEW GENERATING
- 5 CAPACITY - YEAR 2012.
- 6 A rate-regulated electric utility shall be
- 7 prohibited from providing for new generating capacity,
- 8 other than by means of alternate energy production
- 9 facilities or small hydro facilities, until January 1,
- 10 2012."
- 11 2. By renumbering as necessary.

VANDE HOEF of Osceola
 HOLVECK of Polk
 SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story
 WITT of Black Hawk

H-5969

- 1 Amend House File 2447 as follows:
- 2 1. Page 5, by inserting after line 31 the
- 3 following:
- 4 "Sec. . NEW SECTION. 476.58 ELECTRICITY
- 5 GENERATED WITHIN STATE.
- 6 A rate-regulated electric utility shall purchase
- 7 any available electricity generated within the state,
- 8 including electricity generated by alternate energy
- 9 production facilities or small hydro facilities, prior
- 10 to purchasing electricity generated from outside the
- 11 state."
- 12 2. By renumbering as necessary.

MASCHER of Johnson
 SHOULTZ of Black Hawk
 BURNETT of Story
 WITT of Black Hawk

H-5970

- 1 Amend House File 2447 as follows:
- 2 1. Page 5, by inserting after line 31 the
- 3 following:
- 4 "Sec. . Section 476.43, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 7. The board shall require that
- 7 an electric utility enter into a long-term contract
- 8 pursuant to this section and section 476.44, by
- 9 January 1, 1997. An electric utility that fails to
- 10 comply with the contract requirements of this section
- 11 shall be subject to a civil penalty under section

12 476.51.”

13 2. By renumbering as necessary.

VANDE HOEF of Osceola
 HOLVECK of Polk
 SHOULTZ of Black Hawk
 BURNETT of Story
 WITT of Black Hawk
 MASCHER of Johnson

H-5971

- 1 Amend House File 2447 as follows:
 2 1. Page 6, by inserting after line 34 the
 3 following:
 4 “Sec. ____ It is the intent of the general
 5 assembly that a renewable energy supplier who has
 6 proceeded in good faith under the terms and conditions
 7 of sections 476.43 and 476.44 not suffer economic loss
 8 as a result of action or inaction taken by the state.
 9 These persons shall be reimbursed by the utilities for
 10 their reasonable good faith development costs as
 11 determined by the Iowa utilities board. A renewable
 12 energy supplier shall be deemed to have proceeded in
 13 good faith if the supplier has filed a petition by
 14 January 1, 1996, which requests enforcement of the
 15 provisions of sections 476.43 and 476.44 by requiring
 16 an electric utility to enter into a potential contract
 17 with the renewable energy supplier and an action is
 18 currently pending before the Iowa utilities board.”
 19 2. By renumbering as necessary.

VANDE HOEF of Osceola
 HOLVECK of Polk
 SHOULTZ of Black Hawk
 BURNETT of Story
 WITT of Black Hawk
 MASCHER of Johnson

H-5972

- 1 Amend House File 2447 as follows:
 2 1. Page 6, by striking lines 12 through 34.
 3 2. By renumbering as necessary.

MASCHER of Johnson
 BURNETT of Story
 WITT of Black Hawk
 SHOULTZ of Black Hawk
 HOLVECK of Polk
 VANDE HOEF of Osceola

H-5973

- 1 Amend House File 2447 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 422.51, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 5. The taxes remitted pursuant to
7 this division shall be reduced by an alternate energy
8 purchase tax credit. An electric utility which has
9 purchased electricity from an alternate energy
10 production facility or small hydro facility pursuant
11 to a long-term contract entered into pursuant to
12 section 476.43 shall be granted the credit in the
13 applicable amount for each year of the contract. The
14 credit shall be equal to the difference in the
15 applicable tax year between the long-term contract
16 rate that the utility paid for purchase of the
17 electricity and the rate that is equivalent to the
18 long-run avoided cost attributed to the production of
19 electricity by the electric utility, as established by
20 the board pursuant to section 476.43."

21 2. Page 5, by inserting after line 31 the
22 following:
23 "Sec. ____ Section 476.43, Code 1995, is amended
24 by adding the following new subsections:
25 NEW SUBSECTION. 7. An electric utility purchasing
26 alternate energy pursuant to this section shall be
27 entitled to an alternate energy purchase tax credit.
28 The electric utility shall reflect the tax credit
29 received by the utility in the utility's automatic
30 adjustment pursuant to section 476.6, subsection 11.
31 The credit shall be equal to the difference between
32 the long-term contract rate and the rate that is
33 equivalent to the long-run avoided cost attributed to
34 production of the electricity by the electric utility,
35 as established by the board. The board shall
36 establish a long-run avoided cost rate for purposes of
37 the tax credit provided under section 422.51. After
38 January 1, 1997, this rate shall be based upon the
39 conclusions of an annual independent study of the
40 long-run avoided cost of energy production.
41 NEW SUBSECTION. 8. The utilities board and the
42 office of the consumer advocate shall conduct an
43 independent study of the long-run avoided cost of
44 generating electricity each year for as long as the
45 alternate energy purchase tax credit is in effect.
46 The initial report shall be sent to the general
47 assembly by January 1, 1997, and an annual report
48 shall be sent to the general assembly by January 1
49 each year thereafter for as long as the alternate
50 energy purchase tax credit is in effect. The study

Page 2

1 shall include an economic analysis of electric utility

2 rates and alternate energy production rates. In
 3 addition to other relevant factors, a determination of
 4 a long-run avoided cost shall consider the economic
 5 value of bringing the production of energy to the
 6 state versus the value of importing fossil fuels and
 7 the environmental impacts associated with energy
 8 production and use. The study shall provide a
 9 definitive statement of the long-run avoided cost."

10 3. Title page, line 4, by inserting after the
 11 word "research" the following: "and providing for an
 12 alternate energy purchase tax credit".

13 4. By renumbering as necessary.

VANDE HOEF of Osceola

H-5974

1 Amend Senate File 2224, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 11, by striking the words "after
 4 January 28, 1973,".

5 2. Page 1, lines 14 and 15, by striking the words
 6 "after January 28, 1973,".

7 3. By striking page 12, line 27, through page 13,
 8 line 6.

9 4. Page 13, by striking lines 7 through 15.

10 5. Page 14, by striking lines 7 through 18.

11 6. By striking page 15, line 33, through page 17,
 12 line 34.

13 7. By striking page 17, line 35, through page 18,
 14 line 25.

15 8. Page 18, by striking lines 26 and 27.

Committee on Ways and Means

H-5975

1 Amend House File 2447 as follows:

2 1. Page 2, by inserting after line 29 the
 3 following:

4 "Sec. 100. NEW SECTION. 476.2A PRINCIPAL OFFICE.

5 Each rate-regulated gas and electric utility
 6 operating within the state shall maintain within the
 7 state the utility's principal office for Iowa
 8 operations. The principal office shall be subject to
 9 the jurisdiction of the board and shall house all of
 10 the utility's books, accounts, papers, and records
 11 required to be maintained by the board. The utility
 12 shall maintain within the state administrative,
 13 technical, and operating personnel necessary for the
 14 delivery of safe and reasonably adequate services and
 15 facilities as required pursuant to section 476.8. A
 16 public utility which violates this section shall be
 17 subject to the penalties provided in section 476.51
 18 and shall be denied authority to recover, for a period

19 determined by the board, the costs of an energy
 20 efficiency plan pursuant to section 476.6, subsection
 21 11.”
 22 2. Page 6, by inserting after line 35 the
 23 following:
 24 “Sec. ____ EFFECTIVE DATE. Section 100 of this
 25 Act, being deemed of immediate importance, takes
 26 effect upon enactment.”
 27 3. Title page, line 4, by inserting after the
 28 word “research” the following: “and requiring the
 29 location of a principal office within the state and
 30 providing an effective date”.
 31 4. By renumbering as necessary.

THOMSON of Linn
 WELTER of Jones
 TAYLOR of Linn
 LARSON of Linn
 SCHULTE of Linn

H-5978

1 Amend Senate File 2365, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, by inserting after line 28 the
 4 following:
 5 “Sec. ____ Section 509A.12, Code Supplement 1995,
 6 is amended by adding the following new unnumbered
 7 paragraph:
 8 NEW UNNUMBERED PARAGRAPH. Upon receipt of an
 9 employee’s contribution for investment in any deferred
 10 payment contract, the governing body or board of
 11 supervisors shall make such investment in the deferred
 12 payment contract by the fifth business day following
 13 each regularly scheduled pay date.”

WEIGEL of Chickasaw

H-5979

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 12, line 29 through page 13,
 4 line 5, and inserting the following:
 5 “Sec. ____ Section 476A.6, subsection 5, Code
 6 1995, is amended by striking the subsection and
 7 inserting in lieu thereof the following:”

MASCHER of Johnson
 SHOULTZ of Black Hawk
 BURNETT of Story
 HOLVECK of Polk

H-5980

1 Amend Senate File 2370, as amended, passed, and

- 2 reprinted by the Senate, as follows:
 3 1. Page 14, by inserting after line 3 the
 4 following:
 5 "Sec. ____ RATE INCREASE MORATORIUM. The Iowa
 6 utilities board shall not approve a rate increase for
 7 a gas or electric utility subject to rate regulation
 8 under chapter 476, for at least one year from the date
 9 of the enactment of this Act."
 10 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-5985

- 1 Amend Senate File 2370 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 5, by inserting after the word
 4 "chapter" the following: "shall implement energy
 5 efficiency plans so that each utility's annual
 6 capacity and energy production are reduced by an
 7 amount equivalent to at least one percent of each
 8 utility's annual peak demand and at least one percent
 9 of each utility's annual energy sales and".

SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story
 HOLVECK of Polk
 DODERER of Johnson
 WITT of Black Hawk

H-5986

- 1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 5, by inserting after the word
 4 "chapter" the following: "shall implement energy
 5 efficiency plans so that each utility's annual
 6 capacity and energy production are reduced by an
 7 amount equivalent to at least two percent of each
 8 utility's annual peak demand and at least two percent
 9 of each utility's annual energy sales and".

SHOULTZ of Black Hawk
 BURNETT of Story
 DODERER of Johnson
 HOLVECK of Polk
 MASCHER of Johnson
 WITT of Black Hawk

H-5987

- 1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 18, by striking the words "An

4 energy efficiency plan" and inserting the following:
 5 "The board".

SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story
 HOLVECK of Polk
 DODERER of Johnson
 WITT of Black Hawk

H-5992

1 Amend House File 2490 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "DIVISION X

5 LIVESTOCK PRODUCTION TAX CREDIT

6 Section 1. NEW SECTION. 422.120 LIVESTOCK
 7 PRODUCTION TAX CREDIT ALLOWED.

8 1. a. There is allowed a state tax credit for
 9 livestock production operations located in the state.
 10 The amount of the credit equals ten cents for each
 11 corn equivalent consumed by the livestock in the
 12 production operation as specified under this section.
 13 The credit shall be refunded as provided in section
 14 422.122.

15 b. The credit shall be available to an individual
 16 or corporate taxpayer who owns livestock and who
 17 receives, or accrues in the case of an accrual-basis
 18 taxpayer, more than one half of the taxpayer's gross
 19 income from farming or ranching operations during the
 20 tax year. Gross income from farming or ranching is
 21 the amount reported as gross income on schedule F, or
 22 the equivalent schedule, of the taxpayer's income tax
 23 return, the total gains from sales of breeding
 24 livestock, and, if applicable, the taxpayer's
 25 distributive share of income from farming or ranching
 26 from a partnership, limited liability company,
 27 subchapter S corporation, or an estate or trust. To
 28 determine whether a taxpayer receives more than one-
 29 half of gross income from farming or ranching, the
 30 taxpayer's amount of gross income from farming or
 31 ranching shall be divided by the taxpayer's total
 32 gross income as defined in section 61 of the federal
 33 Internal Revenue Code.

34 2. The amount of the credit per operation is
 35 determined by adding together for each head of
 36 livestock in the operation the product of ten cents
 37 times the number of corn equivalents consumed by that
 38 head of livestock. The amount of livestock production
 39 credit per operation per tax year shall not exceed
 40 three thousand dollars and the amount of livestock
 41 production credit per taxpayer per tax year shall not
 42 exceed three thousand dollars.

- 43 The maximum amount of corn equivalents for a head
 44 of livestock in a production operation is the
 45 following:
- | | |
|------------------------------|-------------------|
| 46 a. Hog operations: | Corn equivalents: |
| 47 (1) Farrow to finish | 13.0 |
| 48 (2) Farrow to feeder pig | 2.6 |
| 49 (3) Finishing feeder pigs | 10.4 |
| 50 b. Poultry operations: | |

Page 2

- | | |
|------------------------|-------|
| 1 (1) Layers | 0.88 |
| 2 (2) Turkeys | 1.5 |
| 3 (3) Broilers | 0.15 |
| 4 c. Beef operations: | |
| 5 (1) Cow-calf | 111.5 |
| 6 (2) Stocker | 41.5 |
| 7 (3) Feedlot | 75.0 |
| 8 (4) Dairy | 350.0 |
| 9 d. Sheep operations: | |
| 10 (1) Ewe flock | 20.5 |
| 11 (2) Feedlot | 4.1 |

12 3. If the livestock operation is carried on partly
 13 within and partly without the state, the portion of
 14 the operation attributable to this state shall be
 15 determined pursuant to rules adopted by the
 16 department. The department may adjust the allocation
 17 upon request of the taxpayer in order to reflect the
 18 actual livestock operation carried on within this
 19 state.

20 4. An individual may claim the livestock
 21 production tax credit allowed a partnership, limited
 22 liability company, subchapter S corporation, or estate
 23 or trust electing to have the income taxed directly to
 24 the individual. The amount claimed by the individual
 25 shall be based upon the pro rata share of the
 26 individual's earning of the partnership, limited
 27 liability company, subchapter S corporation, or estate
 28 or trust.

29 5. A fraudulent claim for a credit refund under
 30 this division shall cause the forfeiture of any right
 31 or interest to a tax credit refund in subsequent tax
 32 years under this division.

33 Sec. 2. NEW SECTION. 422.121 APPROPRIATION.

34 There is appropriated annually from the general
 35 fund of the state ten million dollars to refund the
 36 credits allowed under this division.

37 Sec. 3. NEW SECTION. 422.122 REFUND OF LIVESTOCK
 38 PRODUCTION CREDIT CLAIMS.

39 1. For the tax year the total amount of livestock
 40 production credit refund claims that shall be paid
 41 shall not exceed eight million dollars. If the total
 42 dollar amount of the refund claims exceeds that

43 amount, each claim shall be paid an amount equal to
44 eight million dollars divided by the total number of
45 claims, not to exceed the amount of the taxpayer's
46 claim. Remaining funds shall be prorated among those
47 claims not paid in full in the proportion that each
48 such claim bears to the total amount of such claims
49 not paid in full.

50 2. In the case where refund claims are not paid in

Page 3

1 full, the amount of the refund to which the taxpayer
2 is entitled is the amount computed in subsection 1,
3 and paid to the taxpayer, and the taxpayer is not
4 entitled to any unpaid portion of a claim and is not
5 entitled to carry forward or backward to another tax
6 year any unpaid portion of a claim. A taxpayer shall
7 not use a refund as an estimated payment for the
8 succeeding tax year.

9 3. A taxpayer must file a claim for refund within
10 ten months from the close of the taxpayer's tax year.
11 An extension for filing shall not be allowed. The
12 department shall determine by February 28 of the
13 calendar year following the calendar year in which the
14 claims were filed if the total amount of claims for
15 refund exceeds eight million dollars for the tax year.
16 If the claim is not payable on February 28 because the
17 taxpayer is a fiscal year filer, the claim shall be
18 considered as a claim filed for the following tax
19 year.

20 4. A claim for refund shall be made on claim forms
21 to be made available by the department. In order for
22 a taxpayer to have a valid refund claim, the taxpayer
23 must supply legible copies of documents the director
24 deems necessary to verify the amount of the refund.

25 Sec. 4. RETROACTIVE APPLICABILITY. Sections 1
26 through 3 of this Act apply retroactively to January
27 1, 1996, for tax years beginning on or after that
28 date."

29 2. Title page, by striking lines 1 through 3 and
30 inserting the following: "An Act providing a
31 livestock production credit for state income tax
32 purposes, providing a refund for the credit and an
33 appropriation, and providing effective and retroactive
34 applicability dates."

WEIGEL of Chickasaw

H-5993

1 Amend Senate File 2467, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 27 through 33 and
4 inserting the following: "under this subsection. The

5 credit in this subsection does not apply to a taxpayer
 6 whose net income, as properly computed for state tax
 7 purposes, is forty-five thousand dollars or more. In
 8 the case where the taxpayer is married, whether filing
 9 jointly or separately, the credit does not apply if
 10 the combined net income of the taxpayer and spouse is
 11 forty-five thousand dollars or more. The department,
 12 when conducting an".

WARNSTADT of Woodbury

H-5994

1 Amend House Concurrent Resolution 110 as follows:
 2 1. By striking page 1, line 29, through page 2,
 3 line 1, and inserting the following:
 4 "WHEREAS, the route from the Marshall-Hardin County
 5 line along the Iowa River Valley to Iowa City, through
 6 Liscomb, Albion, Marshalltown, Quarry, LeGrand,
 7 Montour, Toledo, Tama, Chelsea, Belle Plaine, Marengo,
 8 the Amana".
 9 2. Page 2, line 6, by inserting after the word
 10 "Park," the following: "the scenic area of Mormon
 11 Ridge and Three Bridges County Park in Marshall
 12 County,".
 13 3. Page 2, by striking lines 17 and 18 and
 14 inserting the following: "from the Marshall-Hardin
 15 County line along the Iowa River Valley to Iowa City,
 16 through Liscomb, Albion, Marshalltown, Quarry,
 17 LeGrand, Montour, Toledo, Tama, Chelsea, Belle".

Senate Amendment

H-5995

1 Amend the amendment, H-5515, to Senate file 2245,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 23, by inserting after line 43 the
 5 following:
 6 "Sec. ____ Section 97B.61, unnumbered paragraph 2,
 7 Code 1995, is amended to read as follows:
 8 After accepting the actuarial methods and
 9 assumptions of the valuation, the department shall
 10 certify to the governor the contribution rates
 11 determined thereby as the rates necessary and
 12 sufficient for members and employers to fully fund, at
 13 a one hundred percent level, the benefits and
 14 retirement allowances being credited.
 15 2. By renumbering as necessary.

SUKUP of Franklin
 MEYER of Sac
 VAN FOSSEN of Scott
 CHURCHILL of Polk

GRUNDBERG of Polk
 BODDICKER of Cedar
 METCALF of Polk

H-5997

- 1 Amend Senate File 2370, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the words
- 4 "programs efforts" and inserting the following:
- 5 "programs".
- 6 2. Page 1, by striking lines 24 through 30.
- 7 3. Page 2, by striking lines 16 through 21.
- 8 4. Page 2, by striking line 34 and inserting the
- 9 following: "efficiency programs."
- 10 5. By renumbering as necessary.

WITT of Black Hawk
 HOLVECK of Polk
 VANDE HOEF of Osceola
 KLEMME of Plymouth
 HUSEMAN of Cherokee

H-5998

- 1 Amend Senate File 2370 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 9, by inserting after the word
- 4 "opportunities." the following: "Interruptible rates
- 5 shall not qualify as energy efficiency efforts."

WITT of Black Hawk
 HOLVECK of Polk
 VANDE HOEF of Osceola
 KLEMME of Plymouth
 HUSEMAN of Cherokee

H-5999

- 1 Amend Senate File 2370, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 17, by inserting after the word
- 4 "board." the following: "The plans shall be developed
- 5 through a collaborative process which shall include
- 6 all interested stakeholders."

BURNETT of Story
 BERNAU of Story
 HOLVECK of Polk
 MASCHER of Johnson
 WITT of Black Hawk

H-6000

- 1 Amend Senate File 2370, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 22, by striking the word "The"
- 4 and inserting the following: "In conjunction with the
- 5 energy bureau of the energy and geological resources

6 division of the department of natural resources, the”.

BURNETT of Story
MASCHER of Johnson

H-6001

1 Amend Senate File 2370 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 22, by inserting after the word
4 “buildings.” the following: “The plan shall be
5 designed so that capacity savings reduce peak load in
6 order to delay or eliminate the need for future
7 electric generating units or purchase power contracts
8 or the imposition of future peak day natural gas
9 requirements.”
10 2. Page 4, line 22, by inserting after the word
11 “buildings.” the following: “The plan shall be
12 designed so that energy savings reduce electric or
13 natural gas energy consumption or reduce the growth in
14 such energy consumption.”

BERNAU of Story
BURNETT of Story

H-6002

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, by striking lines 22 through 25 and
4 inserting the following: “The board shall allow the
5 cost recovery of energy efficiency expenditures only
6 to the extent and in the magnitude that the
7 expenditures actually achieve capacity savings under
8 paragraph “b”. If a utility is not taking all
9 reasonable actions”.

FALLON of Polk

H-6003

1 Amend Senate File 2370 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, by inserting after line 23 the
4 following:
5 “Sec. . NEW SECTION. 476.58 ELECTRICITY
6 GENERATED WITHIN STATE.
7 A rate-regulated electric utility shall purchase
8 any available electricity generated within the state,
9 including electricity generated by alternate energy
10 production facilities or small hydro facilities, prior
11 to purchasing electricity generated from outside the

12 state.”

13 2. By renumbering as necessary.

MASCHER of Johnson
 SHOULTZ of Black Hawk
 BURNETT of Story
 WITT of Black Hawk

H-6004

1 Amend Senate File 2370 as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking page 11, line 30, through page 12,
 4 line 13, and inserting the following: “rates or
 5 charges. Except for current terms of existing
 6 contractual obligations as exempted by the board, the
 7 utility or its affiliates shall not, in providing
 8 nonutility services, in any manner use the utility’s
 9 name or logo, or any property, equipment, or
 10 facilities included as part of the utility’s rate
 11 base, or any employees, other than corporate officers,
 12 including those of the utility’s affiliates, whose
 13 salaries or benefits or both are included to any
 14 extent as expenses recoverable in a rate case
 15 proceeding, unless the utility is providing a
 16 nonutility service in a community that does not have
 17 adequate provision of nonutility services. The board
 18 shall adopt rules to determine whether a community has
 19 adequate provision of nonutility services.”

FALLON of Polk

H-6005

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking page 12, line 29, through page 13,
 4 line 16.
 5 2. By renumbering as necessary.

MASCHER of Johnson
 BURNETT of Story
 WITT of Black Hawk
 SHOULTZ of Black Hawk
 HOLVECK of Polk
 VANDE HOEF of Osceola

H-6006

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 422.51, Code 1995, is amended

6 by adding the following new subsection:

7 NEW SUBSECTION. 5. The taxes remitted by a
8 utility pursuant to this division shall be reduced by
9 an intervenor compensation tax credit. A utility
10 which has been ordered to pay another party's
11 intervention costs pursuant to section 476.10B shall
12 be eligible for the credit for the amount of the
13 ordered payment."

14 2. Page 7, by inserting after line 16 the
15 following:

16 "Sec. . NEW SECTION. 476.10B INTERVENOR
17 COMPENSATION.

18 1. The board shall order a utility to pay a
19 party's intervention costs, not to exceed forty
20 thousand dollars, in any administrative proceeding or
21 proceeding conducted by the board under this chapter
22 which relates to gas or electric utilities. The cost
23 to a utility for intervenor compensation shall not be
24 included in the utility's rates or charges to
25 customers. Compensation shall be awarded for
26 reasonable costs, including attorney's fees, expert
27 witness fees, and transcripts, if the board determines
28 that all of the following apply:

29 a. The intervenor is a customer or represents
30 customers of the utility that is the subject of the
31 proceeding, or has substantial interests that may be
32 affected by the outcome of the proceeding.

33 b. The intervenor represents an interest material
34 to the proceeding that is not adequately represented
35 by other parties to the proceeding.

36 c. The intervenor cannot without undue financial
37 hardship afford to pay the costs of participation or
38 in the case of a group or organization, the intervenor
39 advocates a position which, if adopted by the board,
40 would not selectively confer economic benefits on
41 individual members of the organization.

42 2. a. An intervenor shall file an application for
43 compensation with the board within fourteen days after
44 a notice of hearing is issued or on the same date
45 initial comments are due in an uncontested case. The
46 application shall include a clear statement of the
47 interest represented by the intervenor, an itemized
48 estimation of the costs of the intervention, and
49 financial statements and other information necessary
50 to establish undue financial hardship.

Page 2

1 b. Comments or objections to the application shall
2 be filed with the board within ten days of the filing
3 of the application, unless the board extends the time
4 period for filing upon a finding of a reasonable
5 justification for the delay.

6 c. Within thirty days of the receipt of the
7 application for compensation, the board shall decide
8 whether and in what amount compensation shall be
9 authorized. The board may authorize the disbursement
10 of partial payments, as an intervenor's work
11 progresses, upon a showing by the intervenor that the
12 payments are essential for effective participation in
13 the proceeding.

14 d. The commission may authorize supplemental
15 compensation in excess of the amount initially
16 authorized if, for legitimate reasons, the costs of
17 participation were underestimated or if additional
18 funds would substantially improve the ability of the
19 intervenor to contribute to the proceeding.

20 3. The intervenor shall file a claim for payment,
21 within thirty days of issuance of a final decision in
22 the proceeding for which compensation was authorized
23 under this section. For the purposes of this section,
24 "final determination" means the initial decision by
25 the board but does not mean any order which may be
26 entered by the board in response to a petition for
27 rehearing or other relief. The claim shall include
28 full documentation of fees and expenses, including the
29 costs of studies, engineering reports, tests, or
30 projects related to the proceeding. Documentation
31 shall also include an affidavit from each attorney,
32 agent, or expert witness that represented or appeared
33 on behalf of the intervenor that states the specific
34 services rendered, the actual time spent for each
35 service, and the rate at which fees were computed for
36 providing each service.

37 4. a. The board shall review each claim for
38 payment, along with any other relevant material
39 submitted. The board shall order payment of
40 compensation within thirty days of the receipt of the
41 claim, less any partial payments.

42 b. Payment may be denied for unauthorized
43 expenses, upon a finding that the applicant failed to
44 adequately represent the interest for which the
45 application for compensation was approved, or for
46 expenses related to testimony that is excluded from
47 the record on the basis of a ruling by an
48 administrative law judge or the board. An intervenor
49 shall reimburse a public utility for any partial
50 payments received that the board determines were not

Page 3

1 compensable under this section."

2 3. Title page, line 3, by inserting after the
3 word "mandates" the following: "and intervenor

- 4 compensation and tax credits".
 5 4. By renumbering as necessary.

WITT of Black Hawk
 MASCHER of Johnson
 HOLVECK of Polk
 HUSEMAN of Cherokee

VANDE HOEF of Osceola
 BURNETT of Story
 FALLON of Polk

H-6007

- 1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, by inserting after line 23 the
 4 following:
 5 "Sec. ____ NEW SECTION. 476.46 NEW GENERATING
 6 CAPACITY - YEAR 2012.
 7 A rate-regulated electric utility shall be
 8 prohibited from providing for new generating capacity,
 9 other than by means of alternate energy production
 10 facilities or small hydro facilities, until January 1,
 11 2012."
 12 2. By renumbering as necessary.

VANDE HOEF of Osceola
 HOLVECK of Polk
 SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story
 WITT of Black Hawk

H-6008

- 1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 13, line 32, through page 14,
 4 line 3, and inserting the following:
 5 "Sec. ____ It is the intent of the general
 6 assembly that a renewable energy supplier who has
 7 proceeded in good faith under the terms and conditions
 8 of sections 476.43 and 476.44 not suffer economic loss
 9 as a result of action or inaction taken by the state.
 10 These persons shall be reimbursed by the utilities for
 11 their reasonable good faith development costs as
 12 determined by the Iowa utilities board. A renewable
 13 energy supplier shall be deemed to have proceeded in
 14 good faith if the supplier has filed a petition by
 15 January 1, 1996, which requests enforcement of the
 16 provisions of sections 476.43 and 476.44 by requiring
 17 an electric utility to enter into a potential contract
 18 with the renewable energy supplier and an action is

19 currently pending before the Iowa utilities board.”

20 2. By renumbering as necessary.

VANDE HOEF of Osceola
HOLVECK of Polk
SHOULTZ of Black Hawk
BURNETT of Story
WITT of Black Hawk
MASCHER of Johnson

H-6009

1 Amend Senate File 2370 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 “Section 1. Section 28F.1, Code 1995, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 28F.1 SCOPE OF CHAPTER.

9 This chapter provides a means to reduce the cost of
10 local government by assisting public agencies in the
11 undertaking of joint financing and is intended to
12 provide specific state legislation consistent with
13 criteria established by regulations and rulings of the
14 commissioner of internal revenue, United States
15 department of treasury, in order for a separate joint
16 financing entity to be treated as a constituted
17 authority empowered to issue obligations on behalf of
18 political subdivisions of this state. This chapter
19 provides a means for the joint financing by public
20 agencies of works or facilities which are part of any
21 city enterprise as defined in section 384.24, county
22 enterprise as defined in section 331.461, city utility
23 as defined in section 362.2, joint water utility as
24 defined in section 389.1, or sanitary district as
25 defined in chapter 358. This chapter applies to the
26 acquisition, construction, reconstruction, ownership,
27 operation, repair, extension, or improvement of the
28 works or facilities, by a separate administrative or
29 legal entity created pursuant to chapter 28E or
30 chapter 389. When the legal entity created under this
31 chapter is comprised solely of cities, counties, or
32 sanitary districts established under chapter 358 or
33 any combination of these political subdivisions, or
34 any combination of the public agencies previously
35 specified in this section with other public agencies,
36 the entity shall be both a corporation and a political
37 subdivision with the name under which it was
38 organized. The legal entity may sue and be sued,
39 contract, acquire and hold real and personal property
40 necessary for corporate purposes, adopt a corporate
41 seal and alter the seal at pleasure, and execute all
42 powers conferred by this chapter.

43 Sec. 2. Section 28F.2, Code 1995, is amended to
 44 read as follows:
 45 28F.2 DEFINITIONS.
 46 The terms "public agency", "state", and "private
 47 agency" shall have the meanings prescribed by section
 48 28E.2. The term "project" or "projects" shall mean
 49 any works or facilities referred to in section 28F.1
 50 and shall include all property real and personal,

Page 2

1 pertinent thereto or connected with such project or
 2 projects, and the existing works or facilities, if
 3 any, to which such project or projects are an
 4 extension, addition, betterment, or improvement.
 5 ~~"Electric power agency" means an entity financing or~~
 6 ~~acquiring electric power facilities pursuant to this~~
 7 ~~chapter or chapter 28E.~~
 8 Sec. 3. Section 28F.7, unnumbered paragraph 2,
 9 Code 1995, is amended by striking the paragraph."
 10 2. Title page, line 5, by inserting after the
 11 word "state" the following: ", and allowing for joint
 12 financing for municipal utilities".
 13 3. By renumbering as necessary.

VANDE HOEF of Osceola
 BURNETT of Story
 EDDIE of Buena Vista
 HUSEMAN of Cherokee

WITT of Black Hawk
 MASCHER of Johnson
 KLEMME of Plymouth
 VEENSTRA of Sioux

H-6010

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 422.51, Code 1995, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 5. The taxes remitted pursuant to
 8 this division shall be reduced by an alternate energy
 9 purchase tax credit. An electric utility which has
 10 purchased electricity from an alternate energy
 11 production facility or small hydro facility pursuant
 12 to a long-term contract entered into pursuant to
 13 section 476.43 shall be granted the credit in the
 14 applicable amount for each year of the contract. The
 15 credit shall be equal to the difference in the
 16 applicable tax year between the competitive bid rate
 17 that the utility paid for purchase of the electricity
 18 and the rate that is equivalent to the long-run
 19 avoided cost attributed to the production of
 20 electricity by the electric utility, as established by
 21 the board pursuant to section 476.43."

22 2. Page 6, line 18, by inserting after the word
23 "state" the following: "to offset the alternate
24 energy purchase tax credit provided for in section
25 422.51".
26 3. Page 9, by inserting after line 25 the
27 following:
28 "Sec. ____ Section 476.43, Code 1995, is amended
29 by adding the following new subsections:
30 NEW SUBSECTION. 7. An electric utility purchasing
31 alternate energy pursuant to this section shall be
32 entitled to an alternate energy purchase tax credit.
33 The electric utility shall reflect the tax credit
34 received by the utility in the utility's automatic
35 adjustment pursuant to section 476.6, subsection 11.
36 The credit shall be equal to the difference between
37 the competitive bid rate and the rate that is
38 equivalent to the long-run avoided cost attributed to
39 production of the electricity by the electric utility,
40 as established by the board. The board shall
41 establish a long-run avoided cost rate for purposes of
42 the tax credit provided under section 422.51. After
43 January 1, 1997, this rate shall be based upon the
44 conclusions of an annual independent study of the
45 long-run avoided cost of energy production.
46 NEW SUBSECTION. 8. The utilities board and the
47 office of the consumer advocate shall conduct an
48 independent study of the long-run avoided cost of
49 generating electricity each year for as long as the
50 alternate energy purchase tax credit is in effect.

Page 2

1 The initial report shall be sent to the general
2 assembly by January 1, 1997, and an annual report
3 shall be sent to the general assembly by January 1
4 each year thereafter for as long as the alternate
5 energy purchase tax credit is in effect. The study
6 shall include an economic analysis of electric utility
7 rates and alternate energy production rates. In
8 addition to other relevant factors, a determination of
9 a long-run avoided cost shall consider the economic
10 value of bringing the production of energy to the
11 state versus the value of importing fossil fuels and
12 the environmental impacts associated with energy
13 production and use. The study shall provide a
14 definitive statement of the long-run avoided cost."
15 4. Title page, line 4, by inserting after the
16 word "research" the following: ", providing for an
17 alternate energy purchase tax credit."
18 5. By renumbering as necessary.

VANDE HOEF of Osceola
WITT of Black Hawk
BURNETT of Story
MASCHER of Johnson
HOLVECK of Polk
SHOULTZ of Black Hawk

H-6011

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 13, by inserting after line 17 the
 4 following:
 5 "Sec. ____ INTERIM COMMITTEE. The legislative
 6 council shall consider creating a legislative interim
 7 committee to review the success or failure of the
 8 substantive and procedural provisions for energy
 9 efficiency cost recovery under chapter 476. The
 10 committee shall make recommendations to the general
 11 assembly on any required changes due to the experience
 12 gained from the previous two biennial energy
 13 efficiency plan and budget cycles."

HOLVECK of Polk
 BERNAU of Story
 SHOULTZ of Black Hawk
 KLEMME of Plymouth
 VANDE HOEF of Osceola

H-6012

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 29, by inserting after the word
 4 "cost-effective." the following: "For purposes of
 5 determining the cost-effectiveness of an energy
 6 efficiency plan pursuant to this subsection, any
 7 measure of cost-effectiveness shall be analytically
 8 derived in terms of reduction in the overall energy
 9 expenditures by aggregated energy-using sections of
 10 the state economy, and enhancement of direct
 11 disposable income, gross domestic product, and new job
 12 creation in comparison with those same measures
 13 applied to expenditures for conventional energy supply
 14 reserves that are displaced by the efficiency measure.
 15 These cost-effective indicators shall be analytically
 16 derived by multisector econometric analysis conducted
 17 by the utilities board. This analysis shall be
 18 revised annually to conform to improved methodologies
 19 and to incorporate improved input assumptions as
 20 experience is gained and new data becomes available.
 21 Energy efficiency plans containing programs designed
 22 to accelerate the market transformation of efficiency
 23 technologies shall be judged cost-effective on the
 24 basis of expected costs and benefits after attaining
 25 market acceptance."

HOLVECK of Polk
 DODERER of Johnson
 SHOULTZ of Black Hawk
 MASCHER of Johnson
 BURNETT of Story

H-6013

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 35, by inserting after the word
4 "utility." the following: "Energy efficiency programs
5 shall be designed to assure the lowering of overall
6 costs of energy investments within this state, to
7 increase the economic productivity of energy
8 investments in this state, to enhance employment
9 retention and creation resulting from energy
10 investments within this state, and to reduce adverse
11 environmental impacts associated with energy
12 production and energy use within this state."

HOLVECK of Polk

H-6014

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 476.6, subsection 19,
6 paragraph d, Code 1995, is amended by striking the
7 paragraph and inserting in lieu thereof the following:
8 d. A gas or electric rate-regulated public utility
9 may recover, through an automatic adjustment mechanism
10 filed pursuant to subsection 11, over a period not to
11 exceed the term of the plan, the costs of an energy
12 efficiency plan approved by the board in a contested
13 case proceeding conducted pursuant to paragraph "a".
14 The board shall periodically conduct a contested case
15 proceeding to evaluate the reasonableness and prudence
16 of the utility's implementation of an approved energy
17 efficiency plan and budget. If a utility is not
18 taking all reasonable actions to cost-effectively
19 implement an approved energy efficiency plan, the
20 board shall not allow the utility to recover from
21 customers costs in excess of those costs that would be
22 incurred under reasonable and prudent implementation
23 and shall not allow the utility to recover future
24 costs at a level other than what the board determines
25 to be reasonable and prudent. If the result of a
26 contested case proceeding is a judgment against a
27 utility, that utility's future level of cost recovery
28 shall be reduced by the amount by which the programs
29 were found to be imprudently conducted. The utility
30 shall not represent energy efficiency in customer
31 billings as a separate cost or expense unless the
32 board otherwise approves."
33 2. Title page, by striking lines 1 through 6 and
34 inserting the following: "An Act allowing for

35 recovery of certain utility costs."

HOLVECK of Polk
SHOULTZ of Black Hawk
BURNETT of Story
WITT of Black Hawk

H-6015

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 29, by inserting after the word
4 "cost-effective." the following: "An energy
5 efficiency plan which passes the societal cost benefit
6 test using a discount rate reflecting the time value
7 of money to society is considered cost-effective."

HOLVECK of Polk
WITT of Black Hawk
VANDE HOEF of Osceola
BURNETT of Story
BERNAU of Story

H-6016

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, by striking lines 9 and 10 and
4 inserting the following: "percentage of the total
5 Iowa retail peak demand, ~~for the year beginning~~
6 ~~January 1, 1990~~ as of January 1, 1996, of all
7 utilities subject to this".
8 2. Page 10, line 19, by striking the figure
9 "1990" and inserting the following: "1990".
10 3. Page 10, line 20, by inserting after the word
11 "demand" the following: "as of January 1, 1996".
12 4. Page 10, by striking line 26 and inserting the
13 following: "maximum to its ~~1990~~ Iowa retail peak
14 demand, as of January 1, 1996."

HOLVECK of Polk
SHOULTZ of Black Hawk
MASCHER of Johnson
VANDE HOEF of Osceola
BURNETT of Story

H-6017

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by inserting after line 16 the
4 following:
5 "Sec. ____ Section 476.41, Code 1995, is amended
6 to read as follows:

7 476.41 PURPOSE.

8 It is the policy of this state to encourage the
 9 development of alternate energy production facilities
 10 and small hydro facilities in order to conserve our
 11 finite and expensive energy resources and to provide
 12 for their most efficient use. For purposes of
 13 determining the cost-effectiveness of a renewable
 14 resource investment, any measure of cost-effectiveness
 15 shall be analytically derived in terms of reduction in
 16 the overall energy expenditures by aggregated energy-
 17 using sections of the state economy, and enhancement
 18 of direct disposable income, gross state product, and
 19 new job creation in comparison with those same
 20 measures applied to expenditures for conventional
 21 energy supply reserves that are displaced by the
 22 renewable resource. These cost-effective indicators
 23 shall be analytically derived by multisector
 24 econometric analysis conducted by the utilities board.
 25 This analysis shall be revised annually to conform to
 26 improved methodologies and to incorporate improved
 27 input assumptions as experience is gained and new data
 28 becomes available. Renewable energy resources
 29 investments designed to accelerate the market
 30 development of these technologies shall be judged
 31 cost-effective on the basis of expected costs and
 32 benefits after attaining market acceptance."

33 2. By renumbering as necessary.

WITT of Black Hawk
 BURNETT of Story
 VANDE HOEF of Osceola
 MASCHER of Johnson
 SHOUTLZ of Black Hawk
 HOLVECK of Polk

H-6018

- 1 Amend Senate File 2370, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 20 through 23.
- 4 2. By striking page 1, line 31, through page 2,
- 5 line 5.
- 6 3. Page 6, by striking lines 3 through 18.
- 7 4. By striking page 7, line 17, through page 11,
- 8 line 23.
- 9 5. By striking page 13, line 18, through page 14,
- 10 line 3.
- 11 6. Title page, line 1, by striking the words "and
- 12 alternate energy".
- 13 7. Title page, line 6, by striking the words "and
- 14 providing an applicability provision".

15 8. By renumbering as necessary.

NUTT of Woodbury	VAN FOSSEN of Scott
SCHULTE of Linn	RENKEN of Grundy
DISNEY of Polk	DRAKE of Pottawattamie
BRADLEY of Clinton	MEYER of Sac
HALVORSON of Clayton	METCALF of Polk
LAMBERTI of Polk	MERTZ of Kossuth
BRANSTAD of Winnebago	MCCOY of Polk
CATALDO of Polk	BAKER of Polk
MAY of Worth	WISE of Lee
NELSON of Pottawattamie	

H-6019

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Sec. ____ Section 422.51, Code 1995, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 5. The taxes remitted pursuant to
 8 this division shall be reduced by an alternate energy
 9 purchase tax credit. An electric utility which has
 10 purchased electricity from an alternate energy
 11 production facility or small hydro facility pursuant
 12 to a long-term contract entered into pursuant to
 13 section 476.43 shall be granted the credit in the
 14 applicable amount for each year of the contract. The
 15 credit shall be equal to the difference in the
 16 applicable tax year between the long-term contract
 17 rate that the utility paid for purchase of the
 18 electricity and the rate that is equivalent to the
 19 long-run avoided cost attributed to the production of
 20 electricity by the electric utility, as established by
 21 the board pursuant to section 476.43."
 22 2. Page 9, by inserting after line 25 the
 23 following:
 24 "Sec. ____ Section 476.43, Code 1995, is amended
 25 by adding the following new subsections:
 26 NEW SUBSECTION. 7. An electric utility purchasing
 27 alternate energy pursuant to this section shall be
 28 entitled to an alternate energy purchase tax credit.
 29 The electric utility shall reflect the tax credit
 30 received by the utility in the utility's automatic
 31 adjustment pursuant to section 476.6, subsection 11.
 32 The credit shall be equal to the difference between
 33 the long-term contract rate and the rate that is
 34 equivalent to the long-run avoided cost attributed to
 35 production of the electricity by the electric utility,
 36 as established by the board. The board shall
 37 establish a long-run avoided cost rate for purposes of
 38 the tax credit provided under section 422.51. After

39 January 1, 1997, this rate shall be based upon the
 40 conclusions of an annual independent study of the
 41 long-run avoided cost of energy production.
 42 NEW SUBSECTION. 8. The utilities board and the
 43 office of the consumer advocate shall conduct an
 44 independent study of the long-run avoided cost of
 45 generating electricity each year for as long as the
 46 alternate energy purchase tax credit is in effect.
 47 The initial report shall be sent to the general
 48 assembly by January 1, 1997, and an annual report
 49 shall be sent to the general assembly by January 1
 50 each year thereafter for as long as the alternate

Page 2

1 energy purchase tax credit is in effect. The study
 2 shall include an economic analysis of electric utility
 3 rates and alternate energy production rates. In
 4 addition to other relevant factors, a determination of
 5 a long-run avoided cost shall consider the economic
 6 value of bringing the production of energy to the
 7 state versus the value of importing fossil fuels and
 8 the environmental impacts associated with energy
 9 production and use. The study shall provide a
 10 definitive statement of the long-run avoided cost."
 11 3. Title page, line 4, by inserting after the
 12 word "research" the following: ", providing for an
 13 alternate energy purchase tax credit,".
 14 4. By renumbering as necessary.

VANDE HOEF of Osceola
 HOLVECK of Polk
 BURNETT of Story
 MASCHER of Johnson
 SHOULTZ of Black Hawk

H-6020

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 10, line 27, through page 11,
 4 line 2, and inserting the following:
 5 "b. The board shall provide that a minimum of
 6 thirty percent of the required purchase of alternate
 7 energy under this subsection shall be in accordance
 8 with".
 9 2. Page 11, by striking lines 21 through 23 and
 10 inserting the following: "megawatts."

SHOULTZ of Black Hawk
 HOLVECK of Polk
 FALLON of Polk
 BURNETT of Story
 MASCHER of Johnson

H-6021

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 10, line 27, through page 11,
4 line 13, and inserting the following:

5 "b. The board shall provide that a minimum of
6 thirty percent of the required purchase of alternate
7 energy under this subsection shall be from a
8 combination of the following:

9 (1) Dedicated energy crops grown within the state.
10 (2) Agricultural wastes produced from agricultural
11 crops grown within the state.

12 (3) Small-scale wind generation projects of six
13 hundred kilowatts or less located within the state.

14 (4) Small-scale hydro facilities."

15 2. Page 11, by striking lines 21 through 23 and
16 inserting the following: "megawatts."

SHOULTZ of Black Hawk
MASCHER of Johnson
BURNETT of Story

H-6036

1 Amend Senate File 2365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting after line 3 the
4 following:

5 "Sec. ____ Section 400.17, Code 1995, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. A member of a bargaining
8 unit composed of fire department personnel of a city
9 who is elected or appointed as an officer of a
10 statewide organization or local association composed
11 of fire department personnel shall be granted leave by
12 the city to perform duties required by the
13 organization or association without loss of pay or
14 benefits subject to the requirements of this
15 paragraph. The member shall not be required to make
16 up hours for time spent performing duties required by
17 the organization or association. The member shall be
18 required to notify the city of the member's election
19 or appointment as an officer in such an organization
20 or association and to arrange for a time trade with
21 another qualified fire department member."

22 2. Page 10, by inserting before line 32 the
23 following:

24 "Sec. ____ EFFECTIVE DATE. The section of this
25 Act amending Iowa Code section 400.17, being deemed of
26 immediate importance, takes effect upon enactment."

27 3. Title page, line 2, by inserting after the
28 word "compensation," the following: "employment

- 29 rights of fire fighters under civil service.”
30 4. Title page, line 5, by inserting after the
31 word “officials” the following: “, and providing an
32 effective date”.
33 5. By renumbering as necessary.

TAYLOR of Linn

H-6037

- 1 Amend House File 2500 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Sec. ____ Section 614.14, subsection 4, paragraph
5 b, Code 1995, is amended to read as follows:
6 b. That, to the knowledge of the trustee, the
7 person creating the trust was under no disability or
8 infirmity at the time the trust was created.
9 Sec. ____ Section 633.10, subsection 4, Code 1995,
10 is amended by adding the following new paragraph:
11 **NEW PARAGRAPH.** d. A trust that is administered
12 solely or jointly by an individual trustee or trustees
13 is not subject to the jurisdiction of the court unless
14 jurisdiction is invoked by a trustee or beneficiary,
15 or if otherwise provided by the governing instrument.
16 Upon application of all trustees administering a trust
17 which is subject to the court’s jurisdiction, and
18 following notice to beneficiaries as provided in
19 section 633.40, subsection 4, the court shall release
20 the trust from further jurisdiction unless one or more
21 beneficiaries object, on the condition that
22 jurisdiction may thereafter be invoked by a trustee or
23 beneficiary. The provisions of this paragraph shall
24 be effective for applications filed on or after July
25 1, 1996.
26 Sec. ____ Section 633.31, Code 1995, is amended by
27 adding the following new subsection:
28 **NEW SUBSECTION.** 3. The fee set forth in
29 subsection 2, paragraph “k” shall not be charged on
30 any property transferred to a testamentary trust from
31 an estate that has been administered in this state and
32 for which court costs have been assessed and paid.
33 Sec. ____ Section 633.410, Code Supplement 1995,
34 is amended to read as follows:
35 **633.410 LIMITATION ON FILING CLAIMS AGAINST**
36 **DECEDENT’S ESTATE.**
37 All claims against a decedent’s estate, other than
38 charges, whether due or to become due, absolute or
39 contingent, liquidated or unliquidated, founded on
40 contract or otherwise, are forever barred against the
41 estate, the personal representative, and the
42 distributees of the estate, unless filed with the
43 clerk within the later to occur of four months after
44 the date of the second publication of the notice to

45 creditors or, as to each claimant whose identity is
 46 reasonably ascertainable, one month after service of
 47 notice by ordinary mail to the claimant's last known
 48 address. However, notice is not required to be given
 49 by mail to any creditor whose claim will be paid or
 50 otherwise satisfied during administration and the

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1 personal representative may waive the limitation on
 2 filing provided under this section. This section does
 3 not bar claims for which there is insurance coverage,
 4 to the extent of the coverage, ~~claims for debts~~
 5 ~~created under section 249A.5 relating to the recovery~~
 6 ~~of medical assistance payments~~, or claimants entitled
 7 to equitable relief due to peculiar circumstances.

8 Sec. ____ Section 633.440, Code 1995, is amended
 9 to read as follows:

10 633.440 CONTENTS OF NOTICE OF DISALLOWANCE.

11 Such a notice of disallowance shall advise the
 12 claimant that the claim has been disallowed and will
 13 be forever barred unless the claimant shall within
 14 twenty days after the date of mailing the notice, file
 15 a request for hearing on the claim with the clerk, and
 16 mail a copy of such request for hearing to the
 17 personal representative and the attorney of record, if
 18 any, by certified mail.

19 Sec. ____ Section 633.681, Code 1995, is amended
 20 to read as follows:

21 633.681 ASSETS OF MINOR WARD EXHAUSTED.

22 When the assets of a minor ward's conservatorship
 23 are exhausted or consist of personal property only of
 24 an aggregate value not in excess of four ten thousand
 25 dollars, the court, upon application or upon its own
 26 motion, may terminate the conservatorship and. The
 27 order for termination shall direct the conservator to
 28 deliver the any property remaining after the payment
 29 of allowed claims and expenses of administration to
 30 the parent or other person entitled to the custody of
 31 the minor ward, for the use of the ward, after payment
 32 of allowed claims and expenses of administration a
 33 custodian under any uniform transfers to minors Act.
 34 Such delivery shall have the same force and effect as
 35 if delivery had been made to the ward after attaining
 36 majority.

37 * Sec. ____ Section 633.704, subsection 3, paragraph
 38 a, Code Supplement 1995, is amended to read as
 39 follows:

40 a. PASSAGE OF DISCLAIMED INTEREST OR PROPERTY.

41 Unless the transferor has otherwise provided, the
 42 property, interest, or right disclaimed, and any
 43 future interest which is to take effect in possession
 44 or enjoyment at or after the termination of the

45 interest or right disclaimed, descends or shall be
 46 distributed as if the disclaimant has died prior to
 47 the date of the transfer, or if the disclaimant is one
 48 designated to take pursuant to a power of appointment
 49 exercised by testamentary instrument, then as if the
 50 disclaimant has predeceased the donee of the power

Page 3

1 unless the donee of the power has otherwise provided.
 2 In every case, the disclaimer relates back for all
 3 purposes to the date of the transfer. ~~In the case of~~
 4 ~~a disclaiming beneficiary under a will, other than a~~
 5 ~~spouse, the property, interest, or right disclaimed~~
 6 ~~passes to the heirs of the disclaimant unless from the~~
 7 ~~terms of the transferor's will the intent is clear and~~
 8 ~~explicit to the contrary, in which event the property,~~
 9 ~~interest, or right disclaimed passes pursuant to the~~
 10 ~~will. In the case of a disclaimer under a will by a~~
 11 ~~spouse the property, interest, or right disclaimed~~
 12 ~~lapses unless from the terms of the transferor's will~~
 13 ~~the intent is clear and explicit to the contrary."~~

14 2. Title page, line 1, by inserting after the
 15 word "for" the following: "certain changes in the
 16 probate code, including changes in the jurisdiction of
 17 the probate court on certain testamentary trusts, fees
 18 payable on certain trusts, claims against estates for
 19 medical assistance payments, and".

20 3. By renumbering as necessary.

LAMBERTI of Polk

H-6038

1 Amend House File 2500 as follows:

2 1. Page 1, by inserting after line 28 the
 3 following:

4 "Sec. . NEW SECTION. 633.800 SHORT TITLE -
 5 RULES OF CONSTRUCTION.

6 1. This division shall be known and may be cited
 7 as the uniform transfer on death security registration
 8 Act.

9 2. The provisions of this division shall be
 10 liberally construed and applied to promote its
 11 underlying purposes and policy and to make uniform the
 12 laws with respect to the subject of its provisions
 13 among states enacting this uniform Act.

14 3. Unless displaced by the particular provisions
 15 of this division, the principles of law and equity
 16 supplement the provisions of this division.

17 Sec. . NEW SECTION. 633.801 DEFINITIONS.

18 As used in this division, unless the context
 19 otherwise requires:

20 1. "Beneficiary form" means a registration of a

21 security which indicates the present owner of the
22 security and the intention of the owner regarding the
23 person who will become the owner of the security upon
24 the death of the owner.

25 2. "Devisee" means any person designated in a will
26 to receive a disposition of real or personal property.

27 3. "Heir" means a person, including the surviving
28 spouse, who is entitled under the statutes of
29 intestate succession to the property of a decedent.

30 4. "Register" means to issue a certificate showing
31 the ownership of a certificated security or, in the
32 case of an uncertificated security, to initiate or
33 transfer an account showing ownership of the security.

34 5. "Registering entity" means a person who
35 originates or transfers a security title by
36 registration, including a broker maintaining security
37 accounts for customers and a transfer agent or other
38 person acting for or as an issuer of securities.

39 6. "Security" means a share, participation, or
40 other interest in property, in a business, or in an
41 obligation of an enterprise or other issuer, including
42 a certificated security, an uncertificated security,
43 and a security account.

44 7. "Security account" means either of the
45 following:

46 a. Any of the following:

47 (1) A reinvestment account associated with a
48 security.

49 (2) A securities account with a broker.

50 (3) A cash balance in a brokerage account.

Page 2

1 (4) Cash, interest, earnings, or dividends earned
2 or declared on a security in an account, a
3 reinvestment account, or a brokerage account, whether
4 or not credited to the account before the owner's
5 death.

6 b. A cash balance or other property held for or
7 due to the owner of a security as a replacement for or
8 product of an account security, whether or not
9 credited to the account before the owner's death.

10 8. "State" includes any state of the United
11 States, the District of Columbia, the Commonwealth of
12 Puerto Rico, and any territory or possession subject
13 to the legislative authority of the United States.

14 Sec. ____ NEW SECTION. 633.802 REGISTRATION IN
15 BENEFICIARY FORM - SOLE OR JOINT TENANCY OWNERSHIP.

16 Only an individual whose registration of a security
17 shows sole ownership by one individual or multiple
18 ownership by two or more individuals with a right of
19 survivorship, rather than as tenants in common, may
20 obtain registration in beneficiary form. Multiple

21 owners of a security registered in beneficiary form
 22 shall hold as joint tenants with rights of
 23 survivorship, tenants by the entireties, or owners of
 24 community property held in survivorship form and not
 25 as tenants in common.

26 Sec. ____ NEW SECTION. 633.803 REGISTRATION IN
 27 BENEFICIARY FORM – APPLICABLE LAW.

28 1. A security may be registered in beneficiary
 29 form if the form is authorized by this division or a
 30 similar statute of the state of any of the following:

- 31 a. The state of organization of the issuer or
- 32 registering entity.
- 33 b. The state of location of the registering
- 34 entity's principal office.
- 35 c. The state of location of the office of the
- 36 entity's transfer agent or the office of the entity
- 37 making the registration.
- 38 d. The state of the address listed as the owner's
- 39 at the time of registration.

40 2. A registration governed by the law of a
 41 jurisdiction in which this division or a similar
 42 statute is not in force or was not in force when a
 43 registration in beneficiary form was made is presumed
 44 to be valid and authorized as a matter of contract
 45 law.

46 Sec. ____ NEW SECTION. 633.804 ORIGINATION OF
 47 REGISTRATION IN BENEFICIARY FORM.

48 A security, whether evidenced by a certificate or
 49 account, is registered in beneficiary form when the
 50 registration includes a designation of a beneficiary

Page 3

1 to take the ownership at the death of the owner or the
 2 deaths of all multiple owners.

3 Sec. ____ NEW SECTION. 633.805 FORM OF
 4 REGISTRATION IN BENEFICIARY FORM.

5 Registration in beneficiary form may be shown by
 6 any of the following, appearing after the name of the
 7 registered owner and before the name of a beneficiary:

- 8 1. The words "transfer on death" or the
- 9 abbreviation "TOD".
- 10 2. The words "pay on death" or the abbreviation
- 11 "POD".

12 Sec. ____ NEW SECTION. 633.806 EFFECT OF
 13 REGISTRATION IN BENEFICIARY FORM.

14 The designation of a transfer on death or pay on
 15 death beneficiary on a registration in beneficiary
 16 form has no effect on ownership until the owner's
 17 death. A registration of a security in beneficiary
 18 form may be canceled or changed at any time by the
 19 sole owner or all surviving owners without the consent
 20 of the beneficiary.

21 Sec. . NEW SECTION. 633.807 UNPAID CLAIMS.

22 1. If other assets of the estate of a deceased
23 owner are insufficient, a transfer at death of a
24 security registered in beneficiary form is not
25 effective against the estate of the deceased owner to
26 the extent needed to pay claims against the estate and
27 statutory allowances to the surviving spouse and
28 children.

29 2. A beneficiary of a transfer on death security
30 registration under this chapter is liable to account
31 to the personal representative of the deceased owner
32 for the value of the security as of the time of the
33 deceased owner's death to the extent necessary to
34 discharge these unpaid claims and allowances. A
35 proceeding against a beneficiary to assert liability
36 shall not be commenced unless the personal
37 representative has received a written demand by the
38 surviving spouse, a creditor, a child, or a person
39 acting for a minor child of the deceased owner. The
40 proceeding must be commenced within one year after the
41 death of the owner.

42 3. A beneficiary against whom a proceeding to
43 account is brought may join a beneficiary of any other
44 security registered in beneficiary form by the
45 deceased owner as a party to the proceeding.

46 Sec. . NEW SECTION. 633.808 THE DEATH OF THE
47 OWNER.

48 On the death of a sole owner or on the death of the
49 sole surviving owner of multiple owners, the ownership
50 of securities registered in beneficiary form passes to

Page 4

1 the beneficiary or beneficiaries who survive all
2 owners. On proof of death of all owners and
3 compliance with any applicable requirements of the
4 registering entity, a security registered in
5 beneficiary form may be reregistered in the name of
6 the beneficiary or beneficiaries who survived the
7 death of all owners. A registering entity shall
8 provide notice to the department of revenue and
9 finance of all reregistrations made pursuant to this
10 division. The notice shall include the name, address,
11 and social security number of the descendant and all
12 transferees. Until the division of the security after
13 the death of all owners, multiple beneficiaries
14 surviving the death of all owners hold their interests
15 as tenants in common. If no beneficiary survives the
16 death of all owners, the security belongs to the
17 estate of the deceased sole owner or the estate of the
18 last to die of multiple owners.

19 Sec. . NEW SECTION. 633.809 PROTECTION OF
20 REGISTERING ENTITY.

21 1. A registering entity is not required to offer
 22 or to accept a request for security registration in
 23 beneficiary form. If a registration in beneficiary
 24 form is offered by a registering entity, the owner
 25 requesting registration in beneficiary form assents to
 26 the protections provided to the registering entity by
 27 this division.

28 2. By accepting a request for registration of a
 29 security in beneficiary form, the registering entity
 30 agrees that the registration in beneficiary form shall
 31 be implemented on the death of the deceased owner as
 32 provided in this division.

33 3. A registering entity is discharged from all
 34 claims to a security by the estate, creditors, heirs,
 35 or devisees of a deceased owner if the registering
 36 entity registers a transfer of the security in
 37 accordance with section 633.807 and does so in good
 38 faith reliance on all of the following:

- 39 a. The registration.
- 40 b. The provisions of this division.
- 41 c. Information provided by affidavit of the
 42 personal representative of the deceased owner, the
 43 surviving beneficiary, or the surviving beneficiary's
 44 representative, or other information available to the
 45 registering entity.

46 The protections of this division do not extend to a
 47 reregistration or payment made after a registering
 48 entity has received written notice from any claimant
 49 to any interest in the security objecting to
 50 implementation of a registration in beneficiary form.

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1 No other notice or other information available to the
 2 registering entity affects its right to protection
 3 under this division.

4 4. The protection provided by this division to the
 5 registering entity of a security does not affect the
 6 rights of beneficiaries in disputes between themselves
 7 and other claimants to ownership of the transferred
 8 security, its value, or its proceeds.

9 Sec. ____ NEW SECTION. 633.810 NONTESTAMENTARY
 10 TRANSFER ON DEATH.

11 1. A transfer on death resulting from a
 12 registration in beneficiary form shall be effective by
 13 reason of the contract regarding the registration
 14 between the owner and the registering entity under the
 15 provisions of this division, and is not testamentary.

16 2. The provisions of this division do not limit
 17 the rights of creditors or security owners against
 18 beneficiaries and other transferees under other laws
 19 of this state.

20 Sec. ____ NEW SECTION. 633.811 TERMS,

21 CONDITIONS, AND FORMS FOR REGISTRATION.

22 1. A registering entity offering to accept
 23 registrations in beneficiary form may establish the
 24 terms and conditions under which the registering
 25 entity receives requests for either of the following:
 26 a. Registration in beneficiary form.
 27 b. Implementation of registrations in beneficiary
 28 form, including requests for cancellation of
 29 previously registered transfer on death or pay on
 30 death beneficiary designations and requests for
 31 reregistration to effect a change of beneficiary.
 32 2. a. The terms and conditions established by the
 33 registering entity may provide for proving death,
 34 avoiding or resolving problems concerning fractional
 35 shares, designating primary and contingent
 36 beneficiaries, and substituting a named beneficiary's
 37 descendants to take in place of the name beneficiary-
 38 in the event of the beneficiary's death. Substitution
 39 may be indicated by appending to the name of the
 40 beneficiary the letters "LDPS" standing for "lineal
 41 descendants per stirpes". This designation shall
 42 substitute a deceased beneficiary's descendants who
 43 survive the owner for a beneficiary who fails to
 44 survive, with the descendants to be identified and to
 45 share in accordance with the law of the beneficiary's
 46 domicile at the owner's death governing inheritance by
 47 descendants of an intestate. Other forms of
 48 identifying beneficiaries who are to take on one or
 49 more contingencies, and rules for providing proofs and
 50 assurances needed to satisfy reasonable concerns by

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1 registering entities regarding conditions and
 2 identities relevant to accurate implementation of
 3 registrations in beneficiary form, may be contained in
 4 a registering entity's terms and conditions.
 5 b. The following are illustrations of
 6 registrations in beneficiary form which a registering
 7 entity may authorize:
 8 (1) Sole owner-sole beneficiary: OWNER'S NAME
 9 transfer on death (TOD) or pay on death (POD) to
 10 BENEFICIARY'S NAME.
 11 (2) Multiple owners-sole beneficiary: OWNERS'
 12 NAMES, as joint tenants or tenants in the entirety,
 13 transfer on death (TOD) or pay on death (POD) to
 14 BENEFICIARY'S NAME.
 15 (3) Multiple owners-primary and secondary
 16 (substituted) beneficiaries: OWNERS' NAMES as joint
 17 tenants or tenants in the entirety, transfer on death
 18 (TOD) or pay on death (POD) to BENEFICIARY'S NAME, or
 19 lineal descendants per stirpes.
 20 Sec. ____ APPLICATION. The provisions of this

21 division relating to the uniform transfer on death
22 security registration Act apply to registrations of
23 securities in beneficiary form made before, on, or
24 after the effective date of this Act, by decedents
25 dying on or after the effective date of this Act."

26 2. Title page, line 1, by inserting after the
27 word "for" the following: "registration of securities
28 in a transfer-on-death form, and".

29 3. By renumbering as necessary.

HALVORSON of Clayton

H-6043

1 Amend House File 428 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 34A.2, subsection 6, paragraph
5 e, subparagraph (2), Code 1995, is amended to read as
6 follows:

7 (2) Recurring costs, including, but not limited
8 to, network access fees and other telephone charges,
9 software, equipment, and database management, and
10 maintenance, including the purchase or lease of
11 subscriber names, addresses, and telephone information
12 from the local exchange service provider. Recurring
13 costs shall not include personnel costs for a public
14 safety answering point.

15 Sec. 2. Section 34A.3, subsection 1, unnumbered
16 paragraph 1, Code 1995, is amended to read as follows:

17 The board of supervisors of each county shall
18 establish a joint 911 service board not later than
19 January 1, 1989. Each political subdivision of the
20 state having a public safety agency serving territory
21 within the county is entitled to voting membership on
22 the joint 911 service board. Each ~~private~~ public
23 safety agency operating within the area is entitled to
24 ~~nonvoting voting~~ membership on the board. ~~A township~~
25 ~~which does not operate its own public safety agency,~~
26 ~~but contracts~~ Each private safety agency under
27 contract with a political subdivision within the
28 county for the provision of public safety services, is
29 ~~not entitled to membership on the joint 911 service~~
30 ~~board, but its contractor is entitled to membership~~
31 ~~according to the contractor's status as a public or~~
32 ~~private safety agency is entitled to voting membership~~
33 on the board. The board of supervisors of the county
34 establishing the board is also entitled to voting
35 membership on the board. The joint 911 service board
36 shall develop an enhanced 911 service plan
37 encompassing at minimum the entire county, unless an
38 exemption is granted by the administrator permitting a
39 smaller E911 service area. The administrator may
40 grant a discretionary exemption from the single county

41 minimum service area requirement based upon an E911
 42 joint service board's or other E911 service plan
 43 operating authority's presentation of evidence which
 44 supports the requested exemption if the administrator
 45 finds that local conditions make adherence to the
 46 minimum standard unreasonable or technically
 47 infeasible, and that the purposes of this chapter
 48 would be furthered by granting an exemption. The
 49 minimum size requirement is intended to prevent
 50 unnecessary duplication of public safety answering

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1 points and minimize other administrative, personnel,
 2 and equipment expenses. An E911 service area must
 3 encompass a geographically contiguous area. No
 4 exemption shall be granted from the contiguous area
 5 requirement. The administrator may order the
 6 inclusion of a specific territory in an adjoining E911
 7 service plan area to avoid the creation by exclusion
 8 of a territory smaller than a single county not
 9 serviced by surrounding E911 service plan areas upon
 10 request of the joint 911 service board representing
 11 the territory. The E911 service plan operating
 12 authority shall submit the plan on or before January
 13 1, 1994, to all of the following:"

14 2. Title page, line 1, by inserting after the
 15 word "to" the following: "E911 service systems by
 16 providing for additional members on joint 911 service
 17 boards and providing for".

Senate Amendment

H-6046

1 Amend the Senate amendment, H-6041, to House File
 2 2234, as passed by the House, as follows:

3 1. Page 1, by inserting before line 40 the
 4 following: "The total number of businesses which may
 5 be deemed an eligible business under this section
 6 shall not exceed five in any fiscal year."

WEIGEL of Chickasaw

H-6047

1 Amend Senate File 2365, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting before line 32 the
 4 following:

5 "Sec. ____ NEW SECTION. 97B.50A DISABILITY
 6 BENEFITS FOR AIRPORT FIRE FIGHTERS.

7 1. DEFINITIONS. For purposes of this section,
 8 unless the context otherwise provides, "member" means
 9 a vested member who is classified as an airport fire

10 fighter under section 97B.49, subsection 16, at the
11 time of the alleged disability.

12 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.

13 a. Effective July 1, 1997, a member who is injured
14 in the performance of the member's duties, and
15 otherwise meets the requirements of this subsection
16 shall receive an accidental disability retirement
17 allowance under the provisions of this subsection, in
18 lieu of a monthly retirement allowance as provided in
19 section 97B.49 or benefits calculated as provided in
20 section 97B.50, subsection 2.

21 b. Upon application of a member, a member who has
22 become totally and permanently incapacitated for duty
23 as the natural and proximate result of an injury,
24 disease, or exposure occurring or aggravated while in
25 the actual performance of duty shall be retired by the
26 department, provided that the medical board shall
27 certify that the member is mentally or physically
28 incapacitated for further performance of duty, that
29 the incapacity is likely to be permanent, and that the
30 member should be retired. The department shall make
31 the final determination, based on the medical evidence
32 received, of a member's total and permanent
33 disability. However, if a person's membership in the
34 system first commenced on or after July 1, 1997, the
35 member shall not be eligible for benefits with respect
36 to a disability which would not exist, but for a
37 medical condition that was known to exist on the date
38 that membership commenced.

39 c. Disease under this subsection shall mean heart
40 disease or any disease of the lungs or respiratory
41 tract and shall be presumed to have been contracted
42 while on active duty as a result of strain, exposure,
43 or the inhalation of noxious fumes, poison, or gases.
44 However, if a person's membership in the system first
45 commenced on or after July 1, 1997, and the heart
46 disease or disease of the lungs or respiratory tract
47 would not exist, but for a medical condition that was
48 known to exist on the date that membership commenced,
49 the presumption established in this paragraph shall
50 not apply.

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1 d. Upon retirement for an accidental disability as
2 provided by this subsection, a member shall receive
3 the greater of a monthly accidental disability
4 retirement allowance calculated under this subsection
5 or a disability retirement allowance calculated under
6 section 97B.50, subsection 2. The monthly accidental
7 disability allowance calculated under this subsection
8 shall consist of an allowance equal to one-twelfth of
9 sixty percent of the member's three-year average

10 covered wage at the time of disability.

11 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

12 a. Effective July 1, 1997, a member who otherwise
13 meets the requirements of this subsection shall
14 receive an ordinary disability retirement allowance
15 under the provisions of this subsection, in lieu of a
16 monthly retirement allowance as provided in section
17 97B.49 or benefits calculated as provided in section
18 97B.50, subsection 2.

19 b. Upon application of a member, a member who has
20 become totally and permanently incapacitated for duty
21 shall be retired by the department, provided that the
22 medical board shall certify that the member is
23 mentally or physically incapacitated for further
24 performance of duty, that the incapacity is likely to
25 be permanent, and that the member should be retired.
26 The department shall make the final determination,
27 based on the medical evidence received, of a member's
28 total and permanent disability. However, if a
29 person's membership in the system first commenced on
30 or after July 1, 1997, the member shall not be
31 eligible for benefits with respect to a disability
32 which would not exist, but for a medical condition
33 that was known to exist on the date that membership
34 commenced.

35 c. Upon retirement for an ordinary disability as
36 provided by this subsection, a member shall receive
37 the greater of a monthly ordinary disability
38 retirement allowance calculated under this subsection
39 or a disability retirement allowance calculated under
40 section 97B.50, subsection 2. The monthly ordinary
41 disability allowance calculated under this subsection
42 shall consist of an allowance equal to one-twelfth of
43 fifty percent of the member's three-year average
44 covered wage at the time of disability.

45 4. OFFSET TO ALLOWANCE. Any amounts which may be
46 paid or payable by the employer under the provisions
47 of any workers' compensation or other law to a member,
48 or to the dependents of a member on account of any
49 disability, shall be offset against and payable in
50 lieu of any retirement allowance payable pursuant to

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1 this section on account of the same disability.

2 5. REEXAMINATION - REEMPLOYMENT OF MEMBERS
3 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.

4 a. Once each year during the first five years
5 following the retirement of a member under this
6 section, and once in every three-year period
7 thereafter, the department may, and upon the member's
8 application shall, require any member receiving an
9 accidental or ordinary disability retirement allowance

10 who has not yet attained the age of fifty-five years
 11 to undergo a medical examination as arranged by the
 12 medical board. The examination shall be made by the
 13 medical board or by an additional physician or
 14 physicians designated by the board. If any member
 15 receiving an accidental or ordinary disability
 16 retirement allowance who has not attained the age of
 17 fifty-five years refuses to submit to the medical
 18 examination, the allowance may be discontinued until
 19 the member's withdrawal of the refusal, and should the
 20 member's refusal continue for one year, all rights in
 21 and to the member's disability retirement allowance
 22 shall be revoked by the department.

23 b. If a member receiving a disability retirement
 24 allowance is returned to covered employment, the
 25 member's disability retirement allowance shall cease,
 26 the member shall again become an active member, and
 27 shall contribute thereafter at the same rate payable
 28 by similarly classified members. Upon subsequent
 29 retirement, the member's retirement allowance shall be
 30 calculated as provided in section 97B.48A.

31 6. DEATH BENEFITS. A member who is receiving an
 32 accidental or ordinary disability retirement allowance
 33 under this section shall be treated as having elected
 34 a lifetime monthly retirement allowance with no death
 35 benefit unless the member elects an optional form of
 36 benefit provided under section 97B.51, which shall be
 37 actuarially equivalent to the lifetime monthly
 38 retirement allowance provided under this section.

39 7. MEDICAL BOARD. The system shall designate a
 40 medical board to be composed of three physicians who
 41 shall arrange for and pass upon the medical
 42 examinations required under the provisions of this
 43 section and shall report in writing to the department
 44 the conclusions and recommendations upon all matters
 45 duly referred to the medical board. Each report of a
 46 medical examination under this section shall include
 47 the medical board's findings as to the extent of the
 48 member's physical impairment.

49 8. RULES. The department shall adopt rules
 50 pursuant to chapter 17A specifying the application

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1 procedure for members pursuant to this section."

2 2. Title page, line 2, by inserting after the
 3 word "compensation," the following: "disability
 4 retirement for fire fighters,".

5 3. By renumbering as necessary.

WARNSTADT of Woodbury

H-6048

1 Amend Senate File 2365, as amended, passed, and

- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 17 through 20.
- 4 2. Page 3, line 9, by striking the words and
- 5 figure "unnumbered paragraph 1, and".
- 6 3. Page 3, by striking lines 12 through 19.
- 7 4. Page 3, by striking lines 31 and 32 and
- 8 inserting the following: "classification. After the
- 9 classification has been approved by the commission,
- 10 the director shall ~~allocate~~ classify the".
- 11 5. Page 4, lines 7 and 8, by striking the words
- 12 "~~the commission or to~~" and inserting the following:
- 13 "the commission or to".
- 14 6. Page 4, line 9, by striking the words
- 15 "~~commission director~~" and inserting the following:
- 16 "commission".
- 17 7. Page 4, line 21, by striking the words
- 18 "~~governor director~~" and inserting the following:
- 19 "governor".
- 20 8. Page 4, line 22, by striking the words
- 21 "~~commission governor~~" and inserting the following:
- 22 "commission".
- 23 9. Page 4, line 27, by striking the words
- 24 "~~governor director~~" and inserting the following:
- 25 "governor".
- 26 10. Page 6, line 7, by striking the words
- 27 "~~personnel-commission director~~" and inserting the
- 28 following: "personnel commission".
- 29 11. Page 6, by striking line 17 and inserting the
- 30 following: "Subject to the rules approved by the
- 31 commission, the".
- 32 12. By striking page 6, line 30, through page 7,
- 33 line 2.
- 34 13. Page 7, line 34, by striking the words and
- 35 figures "paragraphs 1 and 7" and inserting the
- 36 following: "paragraph 1".
- 37 14. Page 7, line 35, by striking the word "are"
- 38 and inserting the following: "is".
- 39 15. Page 8, by striking lines 17 through 33.
- 40 16. By striking page 8, line 34, through page 9,
- 41 line 4.
- 42 17. By striking page 9, line 32, through page 10,
- 43 line 3.
- 44 18. Page 10, by striking lines 29 and 30.
- 45 19. Title page, line 4, by striking the words
- 46 "the personnel commission,".
- 47 20. By renumbering as necessary.

McCOY of Polk

H-6049

- 1 Amend the amendment, H-6036, to Senate File 2365,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "_. Page 9, by inserting before line 32 the
7 following:

8 "Sec. ____ NEW SECTION. 97B.50A DISABILITY
9 BENEFITS FOR AIRPORT FIRE FIGHTERS.

10 1. DEFINITIONS. For purposes of this section,
11 unless the context otherwise provides, "member" means
12 a vested member who is classified as an airport fire
13 fighter under section 97B.49, subsection 16, at the
14 time of the alleged disability.

15 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.

16 a. Effective July 1, 1997, a member who is injured
17 in the performance of the member's duties, and
18 otherwise meets the requirements of this subsection
19 shall receive an accidental disability retirement
20 allowance under the provisions of this subsection, in
21 lieu of a monthly retirement allowance as provided in
22 section 97B.49 or benefits calculated as provided in
23 section 97B.50, subsection 2.

24 b. Upon application of a member, a member who has
25 become totally and permanently incapacitated for duty
26 as the natural and proximate result of an injury,
27 disease, or exposure occurring or aggravated while in
28 the actual performance of duty shall be retired by the
29 department, provided that the medical board shall
30 certify that the member is mentally or physically
31 incapacitated for further performance of duty, that
32 the incapacity is likely to be permanent, and that the
33 member should be retired. The department shall make
34 the final determination, based on the medical evidence
35 received, of a member's total and permanent
36 disability. However, if a person's membership in the
37 system first commenced on or after July 1, 1997, the
38 member shall not be eligible for benefits with respect
39 to a disability which would not exist, but for a
40 medical condition that was known to exist on the date
41 that membership commenced.

42 c. Disease under this subsection shall mean heart
43 disease or any disease of the lungs or respiratory
44 tract and shall be presumed to have been contracted
45 while on active duty as a result of strain, exposure,
46 or the inhalation of noxious fumes, poison, or gases.
47 However, if a person's membership in the system first
48 commenced on or after July 1, 1997, and the heart
49 disease or disease of the lungs or respiratory tract
50 would not exist, but for a medical condition that was

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1 known to exist on the date that membership commenced,
2 the presumption established in this paragraph shall
3 not apply.

4 d. Upon retirement for an accidental disability as
5 provided by this subsection, a member shall receive
6 the greater of a monthly accidental disability
7 retirement allowance calculated under this subsection
8 or a disability retirement allowance calculated under
9 section 97B.50, subsection 2. The monthly accidental
10 disability allowance calculated under this subsection
11 shall consist of an allowance equal to one-twelfth of
12 sixty percent of the member's three-year average
13 covered wage at the time of disability.

14 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

15 a. Effective July 1, 1997, a member who otherwise
16 meets the requirements of this subsection shall
17 receive an ordinary disability retirement allowance
18 under the provisions of this subsection, in lieu of a
19 monthly retirement allowance as provided in section
20 97B.49 or benefits calculated as provided in section
21 97B.50, subsection 2.

22 b. Upon application of a member, a member who has
23 become totally and permanently incapacitated for duty
24 shall be retired by the department, provided that the
25 medical board shall certify that the member is
26 mentally or physically incapacitated for further
27 performance of duty, that the incapacity is likely to
28 be permanent, and that the member should be retired.
29 The department shall make the final determination,
30 based on the medical evidence received, of a member's
31 total and permanent disability. However, if a
32 person's membership in the system first commenced on
33 or after July 1, 1997, the member shall not be
34 eligible for benefits with respect to a disability
35 which would not exist, but for a medical condition
36 that was known to exist on the date that membership
37 commenced.

38 c. Upon retirement for an ordinary disability as
39 provided by this subsection, a member shall receive
40 the greater of a monthly ordinary disability
41 retirement allowance calculated under this subsection
42 or a disability retirement allowance calculated under
43 section 97B.50, subsection 2. The monthly ordinary
44 disability allowance calculated under this subsection
45 shall consist of an allowance equal to one-twelfth of
46 fifty percent of the member's three-year average
47 covered wage at the time of disability.

48 4. OFFSET TO ALLOWANCE. Any amounts which may be
49 paid or payable by the employer under the provisions
50 of any workers' compensation or other law to a member,

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1 or to the dependents of a member on account of any
2 disability, shall be offset against and payable in
3 lieu of any retirement allowance payable pursuant to

4 this section on account of the same disability.

5 5. REEXAMINATION – REEMPLOYMENT OF MEMBERS
6 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.

7 a. Once each year during the first five years
8 following the retirement of a member under this
9 section, and once in every three-year period
10 thereafter, the department may, and upon the member's
11 application shall, require any member receiving an
12 accidental or ordinary disability retirement allowance
13 who has not yet attained the age of fifty-five years
14 to undergo a medical examination as arranged by the
15 medical board. The examination shall be made by the
16 medical board or by an additional physician or
17 physicians designated by the board. If any member
18 receiving an accidental or ordinary disability
19 retirement allowance who has not attained the age of
20 fifty-five years refuses to submit to the medical
21 examination, the allowance may be discontinued until
22 the member's withdrawal of the refusal, and should the
23 member's refusal continue for one year, all rights in
24 and to the member's disability retirement allowance
25 shall be revoked by the department.

26 b. If a member receiving a disability retirement
27 allowance is returned to covered employment, the
28 member's disability retirement allowance shall cease,
29 the member shall again become an active member, and
30 shall contribute thereafter at the same rate payable
31 by similarly classified members. Upon subsequent
32 retirement, the member's retirement allowance shall be
33 calculated as provided in section 97B.48A.

34 6. DEATH BENEFITS. A member who is receiving an
35 accidental or ordinary disability retirement allowance
36 under this section shall be treated as having elected
37 a lifetime monthly retirement allowance with no death
38 benefit unless the member elects an optional form of
39 benefit provided under section 97B.51, which shall be
40 actuarially equivalent to the lifetime monthly
41 retirement allowance provided under this section.

42 7. MEDICAL BOARD. The system shall designate a
43 medical board to be composed of three physicians who
44 shall arrange for and pass upon the medical
45 examinations required under the provisions of this
46 section and shall report in writing to the department
47 the conclusions and recommendations upon all matters
48 duly referred to the medical board. Each report of a
49 medical examination under this section shall include
50 the medical board's findings as to the extent of the

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1 member's physical impairment.

2 8. RULES. The department shall adopt rules
3 pursuant to chapter 17A specifying the application

- 4 procedure for members pursuant to this section.”
- 5 _ Page 1, line 28, by inserting after the word
- 6 “employment” the following: “and retirement”.
- 7 2. By renumbering as necessary.

WARNSTADT of Woodbury

H-6050

- 1 Amend Senate File 2224, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 3, line 4, through page 4,
- 4 line 27.

BRAUNS of Muscatine
BRADLEY of Clinton

H-6060

- 1 Amend Senate File 2470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 27 the
- 4 following:
- 5 “All moneys remaining in the excess lottery fund on
- 6 June 30, 1996, which were subject to transfer pursuant
- 7 to 1995 Iowa Acts, chapter 220, section 15, and which
- 8 are not reserved for paying prizes and have not been
- 9 transferred as provided in this section shall be
- 10 transferred to the general fund of the state.”

BRUNKHORST of Bremer

H-6061

- 1 Amend Senate File 2265, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 “Section 1. Section 598.7A, Code Supplement 1995,
- 6 is amended to read as follows:
- 7 598.7A DISSOLUTION OF MARRIAGE DOMESTIC RELATIONS
- 8 PROCEEDING – MEDIATION.
- 9 In addition to the custody mediation provided
- 10 pursuant to section 598.41, unless the court
- 11 determines that a history of domestic abuse exists as
- 12 specified in section 598.41, subsection 3, paragraph
- 13 “j”, or unless the court determines that direct
- 14 physical harm or significant emotional harm to the
- 15 child, other children, or a parent is likely to
- 16 result, or unless the action solely involves child
- 17 support, or on the application of either party, or on
- 18 the court’s own motion, the court may require shall
- 19 determine in each domestic relations proceeding or
- 20 modification of any order relating to those
- 21 proceedings whether the parties to the proceeding

22 shall participate in mediation to attempt to resolve
23 differences between the parties ~~relative to the~~
24 ~~granting of a marriage dissolution decree, if the~~
25 ~~court determines that mediation may effectuate a~~
26 ~~resolution of the differences without court~~
27 intervention. The court may order participation in
28 mediation at any time prior to the entering of an
29 order or the granting of a decree.

30 The costs of mediation shall be paid in full or in
31 part by the parties, as determined by the court and
32 taxed as court costs."

33 2. Page 1, line 1, by striking the word and
34 figure "Section 1." and inserting the following:
35 "Sec. 2."

36 3. Page 1, by striking lines 3 through 13 and
37 inserting the following:

38 "1. The parties to a dissolution of marriage,
39 modification of an order entered relating to a
40 dissolution of marriage or any action which involves
41 the issues of child custody or visitation shall
42 participate in a court-approved course to educate and
43 sensitize the parties to the needs of any child or
44 party during and subsequent to the proceeding within
45 forty-five days of the service of notice and petition
46 for dissolution of marriage or other action or within
47 forty-five days of the service of notice and
48 application for modification of an order.
49 Participation in the course may be waived or delayed
50 by the court for good cause including, but not limited

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1 to, a default by any of the parties. Participation in
2 the course is not required if the proceeding involves
3 termination of parental rights of any of the parties.
4 A decree shall not be granted or an order shall not be
5 entered until the parties have complied with this
6 section."

7 4. Page 1, line 30, by striking the word "This"
8 and inserting the following: "Section 2 of this".

9 5. Title page, line 1, by inserting after the
10 word "to" the following: "domestic relations
11 including".

12 6. By renumbering as necessary.

KREIMAN of Davis

H-6063

1 Amend Senate File 2265, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 29 the
4 following:

5 "5. In addition to the provisions of this section

6 relating to the required participation in a court-
 7 approved course by the parties to an action as
 8 described in subsection 1, the court shall require
 9 age-appropriate counseling for children who are
 10 involved in a dissolution of marriage action. The
 11 counseling may be provided by a public or private
 12 entity approved by the court. Participation in the
 13 counseling may be waived by the court for good cause."

MASCHER of Johnson

H-6066

1 Amend Senate File 2265, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. Section 598.7A, Code Supplement 1995,
 6 is amended to read as follows:

7 598.7A DISSOLUTION OF MARRIAGE DOMESTIC RELATIONS
 8 PROCEEDING - MEDIATION.

9 In addition to the custody mediation provided
 10 pursuant to section 598.41, unless the court
 11 determines that a history of domestic abuse exists as
 12 specified in section 598.41, subsection 3, paragraph
 13 "j", or unless the court determines that direct
 14 physical harm or significant emotional harm to the
 15 child, other children, or a parent is likely to
 16 result, or unless the action involves a child support
 17 or medical support obligation enforced by the child
 18 support recovery unit, on the application of either
 19 party, or on the court's own motion, the court may
 20 require shall determine in each domestic relations
 21 proceeding or modification of any order relating to
 22 those proceedings whether the parties to the
 23 proceeding shall participate in mediation to attempt
 24 to resolve differences between the parties relative to
 25 the granting of a marriage dissolution decree, if the
 26 court determines that mediation may effectuate a
 27 resolution of the differences without court
 28 intervention. The court may order participation in
 29 mediation at any time prior to the entering of a final
 30 order or the granting of a final decree.

31 The costs of mediation shall be paid in full or in
 32 part by the parties, as determined by the court and
 33 taxed as court costs."

34 2. Page 1, line 1, by striking the word and
 35 figure "Section 1." and inserting the following:
 36 "Sec. 2."

37 3. Page 1, by striking lines 3 through 13 and
 38 inserting the following:

39 "1. The parties to a dissolution of marriage,
 40 modification of an order entered relating to a
 41 dissolution of marriage or any action which involves

42 the issues of child custody or visitation shall
 43 participate in a court-approved course to educate and
 44 sensitize the parties to the needs of any child or
 45 party during and subsequent to the proceeding within
 46 forty-five days of the service of notice and petition
 47 for dissolution of marriage or other action or within
 48 forty-five days of the service of notice and
 49 application for modification of an order.
 50 Participation in the course may be waived or delayed

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1 by the court for good cause including, but not limited
 2 to, a default by any of the parties. Participation in
 3 the course is not required if the proceeding involves
 4 termination of parental rights of any of the parties.
 5 A final decree shall not be granted or a final order
 6 shall not be entered until the parties have complied
 7 with this section."

8 4. Page 1, by inserting after line 29 the
 9 following:

10 "5. In addition to the provisions of this section
 11 relating to the required participation in a court-
 12 approved course by the parties to an action as
 13 described in subsection 1, the court may require age-
 14 appropriate counseling for children who are involved
 15 in a dissolution of marriage action. The counseling
 16 may be provided by a public or private entity approved
 17 by the court. The costs of the counseling shall be
 18 taxed as court costs."

19 5. Page 1, line 30, by striking the word "This"
 20 and inserting the following: "Section 2 of this".

21 6. Title page, line 1, by inserting after the
 22 word "to" the following: "domestic relations
 23 including".

24 7. By renumbering as necessary.

KREIMAN of Davis
 HURLEY of Fayette

H-6070

1 Amend Senate File 2206, as passed by the Senate, as
 2 follows:

3 1. Page 2, by striking lines 28 and 29 and
 4 inserting the following: "owner or trainer of the
 5 horse under the visual supervision of the commission
 6 veterinarian. The commission shall adopt rules".

GARMAN of Story

H-6071

1 Amend Senate File 2206, as passed by the Senate, as

2 follows:

- 3 1. Page 2, by striking lines 17 through 19, and
 4 inserting the following: "the detention barn for
 5 treatment. The treatment must be completed not less
 6 than four hours prior to scheduled post time for the
 7 race in which it is entered to start. After the lasix
 8 treatment, the commission,".

GARMAN of Story

H-6072

1 Amend Senate File 2206, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 99D.7, subsection 19, Code
 6 Supplement 1995, is amended to read as follows:
 7 19. To require licensees to indicate in their
 8 racing programs those horses which are treated with
 9 the legal medication lasix ~~or phenylbutazone~~. The
 10 program shall also indicate if it is the first or
 11 subsequent time that a horse is racing with lasix, or
 12 if the horse has previously raced with lasix and the
 13 present race is the first race for the horse without
 14 lasix following its use.
 15 Sec. ____ Section 99D.25, subsection 1, paragraph
 16 a, Code 1995, is amended to read as follows:
 17 a. "Drugging" means administering to a horse or
 18 dog any substance foreign to the natural horse or dog
 19 prior to the start of a race. However, in counties
 20 with a population of two hundred fifty thousand or
 21 more, "drugging" does not include administering to a
 22 horse the ~~drugs lasix and phenylbutazone~~ in accordance
 23 with section 99D.25A and rules adopted by the
 24 commission.
 25 Sec. ____ Section 99D.25, subsections 6 and 8,
 26 Code 1995, are amended by striking the subsections."
 27 2. Page 1, line 12, by striking the words
 28 "~~phenylbutazone or~~".
 29 3. Page 1, by striking lines 28 through 32 and
 30 inserting the following: "amended by striking the
 31 subsection."
 32 4. By striking page 1, line 35, through page 2,
 33 line 13, and inserting the following: "~~4. If a test
 34 detects concentrations of phenylbutazone in the system
 35 of a horse in excess of the level permitted in this
 36 section, the commission shall assess a civil penalty
 37 against the trainer of two hundred dollars for the
 38 first offense and five hundred dollars for a second
 39 offense. The penalty for a third or subsequent
 40 offense shall be in the discretion of the commission.
 41 A penalty assessed under this subsection shall not
 42 affect the placing of the horse in the race.~~"
 43 5. By renumbering as necessary.

GARMAN of Story

H-6073

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 2, by striking lines 14 through 24 and
4 inserting the following:
5 "6. Once a horse has been permitted the use of
6 lasix, it the horse must be brought to the detention
7 barn for treatment not less than four hours prior to
8 scheduled post time for the race in which it is
9 entered to start. After the lasix treatment, the
10 commission, by rule, may authorize the release of the
11 horse from the detention barn before the scheduled
12 post time. If a horse is brought to the detention
13 barn late, the commission shall assess a civil penalty
14 of one hundred dollars against the trainer."

GARMAN of Story

H-6074

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 3, by striking lines 10 through 13 and
4 inserting the following: "fifty milligrams. The
5 commission veterinarian shall extract a test sample of
6 the horse's blood, urine, or saliva to determine
7 whether the horse was improperly drugged after the
8 race is run."

GARMAN of Story

H-6078

1 Amend the amendment, H-6068, to Senate File 2470,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 7, line 48, by inserting after the word
5 "funds," the following: "Subject to the requirements
6 of this subsection, funds may be used in the manner
7 set forth in an agreement entered into under chapter
8 28E."

KREIMAN of Davis

H-6080

1 Amend the House amendment, S-5707, to Senate File
2 2256, as passed by the Senate, as follows:
3 1. By striking page 1, line 3, through page 2,
4 line 6, and inserting the following:
5 2. Page 1, by inserting before line 1 the
6 following:
7 "Section 1. Section 123.47, Code Supplement 1995,
8 is amended to read as follows:

9 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -
10 PENALTY.

11 A person shall not sell, give, or otherwise supply
12 alcoholic liquor, wine, or beer to any person knowing
13 or having reasonable cause to believe that person to
14 be under the age of eighteen, and a person or persons
15 under the age of eighteen shall not purchase or
16 attempt to purchase, or individually or jointly have
17 alcoholic liquor, wine, or beer in their possession or
18 control; except in the case of liquor, wine, or beer
19 given or dispensed to a person under the age of
20 eighteen within a private home and with the knowledge,
21 presence, and consent of the parent or guardian, for
22 beverage or medicinal purposes or as administered to
23 the person by either a physician or dentist for
24 medicinal purposes and except to the extent that a
25 person under the age of eighteen may handle alcoholic
26 beverages, wine, and beer during the regular course of
27 the person's employment by a liquor control licensee,
28 or wine or beer permittee under this chapter. A
29 person, other than a licensee or permittee, who
30 violates this section regarding the purchase of or
31 attempt to purchase alcoholic liquor, wine, or beer
32 shall pay a ~~twenty-five~~ seventy-five dollar penalty."

33 3. Page 1, lines 13 through 16, by striking the
34 words "or with the signed, written consent of the
35 parent or guardian specifying the date and place for
36 the consumption and displayed by the person upon
37 demand," and inserting the following: "~~or with the~~
38 ~~signed, written consent of the parent or guardian~~
39 ~~specifying the date and place for the consumption and~~
40 ~~displayed by the person upon demand,~~".

41 4. Page 1, line 27, by striking the word "fifty"
42 and inserting the following: "fifty one hundred".

43 5. Page 2, by inserting after line 2 the
44 following:

45 "Sec. ____ Section 123.49, subsection 1,
46 unnumbered paragraph 1, Code 1995, is amended to read
47 as follows:

48 A person shall not sell, ~~dispense, or give to an~~
49 ~~intoxicated person, or one simulating intoxication, or~~
50 otherwise supply any alcoholic ~~liquor~~ beverage, wine,

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1 or beer to any other person knowing or having
2 reasonable cause to believe the other person to be
3 intoxicated or simulating intoxication.

4 Sec. ____ Section 730.5, subsection 1, Code 1995,
5 is amended to read as follows:

6 1. As used in this section, unless the context
7 otherwise requires:

8 a. "drug Drug test" means any blood, urine,

9 saliva, chemical, or skin tissue test conducted for
10 the purpose of detecting the presence of a chemical
11 substance in an individual.

12 b. "Preemployment" means that period of time
13 between when a bona fide offer of employment is made
14 and when employment begins.

15 Sec. ____ Section 730.5, subsection 2, Code 1995,
16 is amended to read as follows:

17 2. Except as provided in subsection 7, an employer
18 shall not require or request employees or applicants
19 for employment to submit to a drug test as a condition
20 of employment, preemployment, promotion, or change in
21 status of employment. An employer shall not request,
22 require, or conduct random or blanket drug testing of
23 employees. However, this section does not apply to
24 preemployment drug tests authorized for peace officers
25 or correctional officers of the state, or to drug
26 tests required under federal statutes or under federal
27 regulations ~~adopted as of July 1, 1990~~, or to drug
28 tests conducted pursuant to a nuclear regulatory
29 commission regulation, or to drug tests conducted to
30 determine if an employee is ineligible to receive
31 workers' compensation under section 85.16, subsection
32 2.

33 The exemption granted by this subsection relating
34 to drug testing pursuant to federal regulations
35 ~~adopted as of July 1, 1990~~, is of no effect, as it
36 applies to a particular regulation, upon a finding by
37 a court of competent jurisdiction, including any
38 appeal of such finding, that the particular regulation
39 is unconstitutional or otherwise invalid. The
40 decision of a court invalidating any regulation
41 exempted by this section shall not be stayed pending
42 appeal.

43 Sec. ____ Section 730.5, subsection 3, paragraph
44 a, Code 1995, is amended to read as follows:

45 a. The employer has probable cause to believe that
46 an employee's faculties are impaired on the job. For
47 purposes of this paragraph, an employer has probable
48 cause to believe that an employee's faculties are
49 impaired on the job if the employer is investigating
50 an accident in the workplace and all of the following

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1 conditions are met:

2 (1) The employer has reasonable grounds to believe
3 that the employee proposed to be tested either
4 directly caused or directly contributed to the
5 accident.

6 (2) The employer has reasonable grounds to believe
7 that the employee's faculties were impaired and that
8 the impairment was likely a substantial factor in

9 causing the accident.

10 (3) The accident results in a personal injury
11 which requires medical treatment away from the
12 workplace or damage to property, including equipment,
13 in an amount reasonably estimated to exceed three
14 thousand dollars at the time of the accident.

15 (4) Prior to the accident, the employer has
16 provided the employee to be tested with written notice
17 of the employer's rules or policies regarding alcohol
18 and controlled substances and testing when a workplace
19 accident or injury occurs.

20 Sec. ____ Section 730.5, subsection 3, paragraph
21 c, Code 1995, is amended to read as follows:

22 c. The test sample withdrawn from the employee is
23 analyzed by a laboratory or testing facility that has
24 been approved under rules adopted by the department of
25 public health. The laboratory or testing facility
26 shall test for and report to the employer only the
27 presence of alcohol or illegal controlled substances
28 in any test sample. Upon request by an employee or
29 applicant for employment, the employer shall provide
30 to the employee or applicant the results of any drug
31 test. The rules adopted by the department of public
32 health shall provide for all of the following:

33 (1) The initial screening test may utilize
34 immunoassay, thin layer, high performance liquid or
35 gas chromatography, or an equivalent technology. If
36 the initial test utilizes immunoassay, the test kit
37 must meet the requirements of the United States food
38 and drug administration.

39 (2) Samples which have tested positive by initial
40 testing, with the exception of alcohol, shall be
41 confirmed by gas chromatography-mass spectrometry or
42 by a scientifically equivalent technique approved by
43 the department.

44 (3) All initial positive drug test results with
45 the exception of alcohol shall be confirmed by gas
46 chromatography-mass spectrometry or an equivalent test
47 approved by the department before being reported as
48 positive or negative.

49 (4) All initial positive test results for alcohol
50 shall be confirmed by gas chromatography, or a test

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1 that is recognized by the department as an equivalent
2 test before being reported as positive or negative.

3 (5) Preliminary reports for drugs other than
4 alcohol shall not be issued in the absence of
5 confirmation by gas chromatography-mass spectrometry
6 or a scientifically equivalent test approved by the
7 department.

8 (6) Complete chain of custody procedures shall be

9 used for referred specimens. When sample volumes
10 permit, it is recommended that only an aliquot of the
11 original specimen be sent to a reference laboratory.
12 Sec. ____ Section 730.5, subsection 7, Code 1995,
13 is amended to read as follows:

14 7. A drug test conducted as a part of a physical
15 examination performed as a part of a preemployment
16 physical or as a part of a regularly scheduled
17 physical is only permissible. In addition to drug
18 testing permitted by subsection 3, drug testing of an
19 employee or applicant for employment shall also be
20 permitted under the following circumstances:

21 a. For a drug test during a preemployment
22 physical, the employer shall include notice that a
23 drug test will be part of a preemployment physical in
24 any notice or advertisement soliciting applicants for
25 employment or in the application for employment, and
26 an applicant for employment shall be personally
27 informed of the requirement for a drug test at the
28 first interview.

29 If the test sample withdrawn from the applicant is
30 analyzed by the state hygienic laboratory or a
31 laboratory certified by, and at the request of, the
32 state hygienic laboratory, the cost of the initial
33 test of the sample shall not be paid for by the
34 employer but shall be paid for by the state.

35 b. For a drug test during a regularly scheduled
36 physical, the employer shall give notice that a drug
37 test will be part of the physical at least thirty days
38 prior to the date the physical is scheduled.

39 c. For a preemployment drug test not conducted as
40 part of a preemployment physical, the employer shall
41 provide that any sample taken for analysis be taken
42 under the direct supervision of a person licensed
43 under chapter 148, 148C, 150A, or 152, and that the
44 sample shall be analyzed by the state hygienic
45 laboratory or a laboratory certified by, and at the
46 request of, the state hygienic laboratory.

47 d. An employer may require an employee, as a
48 condition of employment, to undergo testing for
49 illegal use of drugs if that employee has been
50 referred by the employer for substance abuse

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1 evaluation pursuant to subsection 3, paragraph "f,"
2 and treatment, if recommended by the evaluation. The
3 employee may be required to undergo testing for
4 illegal use of drugs without prior notice, but in no
5 case shall more than three tests be conducted in the
6 eighteen-month period following the employee's
7 completion of substance abuse treatment if the
8 treatment was recommended by the evaluation. A drug

9 test shall not be required of an employee by an
 10 employer during drug treatment of the employee, if
 11 such testing would duplicate testing of the employee
 12 conducted in the course of treatment and the employee
 13 has waived confidentiality as to the employer of the
 14 results of such testing. An employer shall not
 15 require an employee to submit to testing for illegal
 16 use of drugs under this paragraph if more than
 17 eighteen months have elapsed since the employee
 18 successfully completed drug treatment and the employee
 19 has not had a drug test conducted indicating the
 20 presence of alcohol or an illegal controlled substance
 21 during that eighteen-month period.

22 e. If a preemployment drug test is conducted on an
 23 applicant who does not reside in this state, the
 24 sample taken for analysis shall be maintained under
 25 the supervision of a comparable licensed person in the
 26 state in which the test is conducted and the drug test
 27 shall be performed by a laboratory certified by United
 28 States department of health and human services.

29 Drug testing conducted under this subsection shall
 30 conform to the requirements of subsection 3,
 31 paragraphs "c", "d", "e", and "f"; however, paragraph
 32 "f" shall not apply to preemployment drug tests
 33 conducted as a part of a preemployment physical.

34 Sec. ____ Section 730.5, subsection 9, paragraph
 35 a, Code 1995, is amended to read as follows:

36 a. A person who violates this section or who aids
 37 in the violation of this section is liable to an
 38 aggrieved employee or applicant for employment for
 39 affirmative relief including reinstatement or hiring,
 40 with or without back pay, liquidated damages in the
 41 amount of one hundred dollars for each violation, or
 42 any other equitable relief as the court deems
 43 appropriate including attorney fees and court costs.

44 Sec. ____ Section 730.5, subsection 11, Code 1995,
 45 is amended by striking the subsection.

46 Sec. ____ Section 730.5, Code 1995, is amended by
 47 adding the following new subsections:

48 NEW SUBSECTION. 12. An employer who conducts a
 49 drug test pursuant to this section shall, for each
 50 fiscal year beginning on or after July 1, 1996, file

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1 an annual report with the division of labor services
 2 of the department of employment services, on forms
 3 provided by the division, documenting separately the
 4 following information for all preemployment drug
 5 tests, regularly scheduled drug tests, and drug tests
 6 conducted pursuant to a finding of probable cause:
 7 a. The number of drug tests conducted in each
 8 category.

- 9 b. The results of drug tests conducted in each
- 10 category.
- 11 c. The number of personal injuries, and the dollar
- 12 loss for property damage, arising out of the use of
- 13 alcohol and illegal controlled substances by
- 14 employees.
- 15 d. The cumulative direct costs of drug tests in
- 16 each category.
- 17 e. The cost of substance abuse evaluation and
- 18 treatment for employees in each category.
- 19 **NEW SUBSECTION.** 13. Any court ordered drug test
- 20 shall not in any manner affect the rights of an
- 21 employer to conduct a drug test under this section."
- 22 6. Title page, lines 1 and 2, by striking the
- 23 words "by persons aged eighteen, nineteen, and
- 24 twenty," and inserting the following: "or drugs,"
- 25 7. By renumbering, relettering, or redesignating
- 26 and correcting internal references as necessary."

Senate Amendment

H-6081

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 99D.25A, subsection 2, Code
- 6 1995, is amended to read as follows:
- 7 2. Phenylbutazone shall not be administered to a
- 8 horse in dosages which would result in concentrations
- 9 of more than two point two micrograms of the substance
- 10 or its metabolites per ~~millimeter~~ milliliter of
- 11 blood."

HOLVECK of Polk

H-6082

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 17.
- 4 2. Page 1, by striking lines 33 and 34 and
- 5 inserting the following:
- 6 "Sec. ____ Section 99D.25A, subsection 4, Code
- 7 1995, is amended to read as follows:"
- 8 3. By striking page 2, line 14, through page 3,
- 9 line 13.
- 10 4. By renumbering as necessary.

HOLVECK of Polk

H-6083

- 1 Amend Senate File 2206, as passed by the Senate, as

2 follows:

3 1. Page 2, by striking lines 25 through 35 and
 4 inserting the following:
 5 7. A horse entered to race with lasix must be
 6 treated at least four hours prior to post time. The
 7 lasix shall be administered intravenously by a
 8 veterinarian employed by the owner or trainer of the
 9 horse under the visual supervision of the commission
 10 veterinarian. The commission shall adopt rules to
 11 ensure that lasix is administered as provided in this
 12 section. The commission shall require that the
 13 practicing veterinarian must deposit with the
 14 commission veterinarian ~~at the detention barn~~ an
 15 unopened supply of lasix and sterile hypodermic
 16 needles and syringes to be used for the
 17 administrations. The commission shall require that
 18 the practicing veterinarian deliver an affidavit
 19 signed by the."

HOLVECK of Polk

H-6084

1 Amend Senate File 2206, as passed, by the Senate,
 2 as follows:
 3 1. Page 3, by striking lines 10 through 13 and
 4 inserting the following: "fifty milligrams. The
 5 commission veterinarian shall extract a test sample of
 6 the horse's blood, urine, or saliva to determine
 7 whether the horse was improperly drugged after the
 8 race is run."

HOLVECK of Polk

H-6085

1 Amend Senate File 2206, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by striking lines 28 and 29 and
 4 inserting the following: "owner or trainer of the
 5 horse under the visual supervision of the commission
 6 veterinarian. The commission shall adopt rules".

HOLVECK of Polk

H-6088

1 Amend Senate File 2206, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. DEFINITIONS. As used in this Act,
 6 unless the context otherwise requires:
 7 1. "Committee" means the state gambling impact and
 8 policy committee.

9 2. "Director" means the director of the state
10 gambling and policy committee.

11 Sec. 2. SHORT TITLE. This Act may be cited as the
12 "State Gambling Impact and Policy Committee Act".

13 Sec. 3. COMMITTEE CREATED - MEMBERSHIP -
14 VACANCY.

15 1. A state gambling impact and policy committee is
16 created. The membership of the committee shall
17 include the lieutenant governor who shall serve as
18 chairperson of the committee and eight additional
19 members appointed as provided in subsection 2.

20 2. The eight additional members shall be appointed
21 as follows:

22 a. Two members shall be appointed by the governor.

23 b. Two members shall be appointed by the majority
24 leader of the senate and one member by the minority
25 leader of the senate.

26 c. Two members shall be appointed by the speaker
27 of the house of representatives and one member by the
28 minority leader of the house of representatives.

29 3. The members shall be appointed for the life of
30 the committee. A vacancy in the committee shall be
31 filled in the same manner as the original appointment.

32 Sec. 4. COMMITTEE PROCEDURES.

33 1. The chairperson of the committee shall call its
34 first meeting within thirty days after the date on
35 which all members of the committee are appointed.
36 Thereafter, the committee shall meet at the call of
37 the chairperson.

38 2. A majority of the members of the committee
39 shall constitute a quorum, but a lesser number of
40 members may hold public hearings.

41 3. The committee may elect a vice chairperson and
42 other officers of the committee as appropriate.

43 4. The members of the committee are entitled to
44 reimbursement for travel and other necessary expenses
45 incurred in the performance of official duties. Each
46 member may also be eligible to receive compensation as
47 provided in section 7E.6. The compensation and
48 expenses shall be paid from funds appropriated for
49 that purpose.

50 Sec. 5. DUTIES OF THE COMMITTEE - STUDY

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1 COMPLETION.

2 1. The committee shall conduct a comprehensive
3 legal and factual study of gambling in this state and
4 existing policies and practices with respect to the
5 legalization or prohibition of gambling activities and
6 formulate and propose changes in those policies and
7 practices as the committee deems appropriate. The
8 committee may seek the cooperation of other states and

9 tribal councils in obtaining information regarding
10 gambling activities within those jurisdictions.
11 2. The study shall include, but is not limited to,
12 the following matters:
13 a. The economic impact of gambling on the state of
14 Iowa, political subdivisions of this state, and native
15 American tribes conducting gambling activities in this
16 state.
17 b. The economic impact of gambling on other
18 businesses.
19 c. An assessment and review of the political
20 contributions and influences of gambling businesses
21 and promoters on the development of public policy
22 regulating gambling.
23 d. An assessment of the relationship between
24 gambling and crime.
25 e. An assessment of the impact of pathological or
26 problem gambling on individuals, families, social
27 institutions, criminal activity, and the economy.
28 f. A review of the demographics of gamblers.
29 g. A review of the effectiveness of existing
30 practices in law enforcement, judicial administration,
31 and corrections to combat and deter illegal gambling
32 and illegal activities related to gambling.
33 h. A review of the costs and effectiveness of
34 state and federal gambling regulatory policy.
35 i. Other relevant issues and topics as considered
36 appropriate by the committee.
37 3. The committee shall complete its study and
38 submit its final report to the governor and the
39 general assembly not later than January 31, 1998. The
40 final report shall contain a detailed statement of the
41 findings and conclusions of the committee with its
42 recommendations for legislation and administrative
43 actions as the committee deems appropriate.
44 Sec. 6. POWERS OF THE COMMITTEE.
45 1. The committee may hold hearings, administer
46 oaths, take testimony, receive evidence, and require
47 by subpoena the attendance and testimony of witnesses
48 and the production of materials as the committee
49 considers advisable to carry out the purposes of this
50 Act.

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1 A subpoena of the committee shall be served in the
2 manner provided for a subpoena issued by a district
3 court under the Iowa rules of civil procedure. A
4 subpoena may be served anywhere in the judicial
5 district in which the person required to be served
6 resides or may be found. A subpoena shall state the
7 time and place a person is required to appear, be
8 signed by the chairperson or vice chairperson of the

9 committee, and be attested to by the executive
10 director of the committee.

11 2. Upon request of the chairperson of the
12 committee, the head of any state agency shall furnish
13 the committee with the information considered
14 necessary by the committee to carry out the provisions
15 of this Act.

16 3. The chairperson of the committee may appoint
17 and terminate the employment of an executive director
18 and any additional personnel as may be necessary to
19 enable the committee to perform its duties. The
20 appointment or termination of the employment of an
21 executive director is subject to confirmation by the
22 members of the committee.

23 Sec. 7. TERMINATION OF THE COMMITTEE. The
24 committee shall terminate thirty days after the date
25 on which the committee submits its final report.

26 Sec. 8. APPROPRIATION. There is appropriated from
27 the general fund of the state to the state gambling
28 impact and policy committee, the sum of two hundred
29 thousand dollars, or so much thereof as is necessary,
30 to carry out the study as provided in this Act.
31 Notwithstanding section 8.33, any unobligated or
32 unencumbered money remaining from this appropriation
33 shall not revert to the general fund of the state
34 before February 1, 1998.

35 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
36 immediate importance, takes effect upon enactment."

37 2. Title page, by striking lines 1 and 2 and
38 inserting the following: "An Act providing for
39 gambling by creating a gambling impact and policy
40 committee, and providing an effective date."

FALLON of Polk

H-6090

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 99D.11, Code 1995, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. A licensee shall not permit
8 the operation of a satellite terminal as defined in
9 section 527.2 to dispense cash or credit for gambling
10 purposes within a pari-mutuel racetrack enclosure."

11 2. Page 3, by inserting after line 13 the
12 following:

13 "Sec. ____ Section 99F.9, Code 1995, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 7. A licensee shall not permit
16 the operation of a satellite terminal as defined in
17 section 527.2 to dispense cash or credit for gambling

18 purposes on an excursion gambling boat.”
19 3. Title page, line 1, by inserting after the
20 word “for” the following: “gambling facilities, and
21 for”.

FALLON of Polk

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-sixth General Assembly, 1996 Session, not otherwise printed in the House Journal.

1 HOUSE CONCURRENT RESOLUTION 28

2 By Connors

3 A Concurrent Resolution requesting that the United
4 States Congress repeal the decriminalization of
5 status offenses mandate contained in the federal
6 Juvenile Justice Delinquency Prevention Act of 1974.

7 *Whereas*, status offenses consist of conduct which
8 is not criminal when committed by adults, such as
9 truancy and running away from home; and

10 *Whereas*, the decriminalization of status offenses
11 has given children of all ages a license to decide
12 what is best for themselves, regardless of whether or
13 not they place themselves in jeopardy or have the
14 ability to handle that license; and

15 *Whereas*, parents and families are acutely
16 experiencing the effects of this idealistic, illusory,
17 and ineffective public policy which has led to the
18 undermining of parental responsibility thus
19 contributing to a breakdown in family discipline; and

20 *Whereas*, temporary, secure detention of status
21 offenders before they engage in a dangerous or
22 unhealthy lifestyle is a part of society's
23 responsibility to protect children who are at risk,
24 and the exercise of which is prevented by the status
25 offender mandates; *Now Therefore*,

26 *Be It Resolved By The House Of Representatives, The*
27 *Senate Concurring*, That Congress should repeal the
28 decriminalization of status offenses mandate contained
29 in the federal Juvenile Justice Delinquency Prevention
30 Act of 1974 and return control over juvenile justice

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1 to the states.

2 *Be It Further Resolved*, That copies of this
3 Resolution be transmitted to the President of the
4 United States, the Speaker of the United States House
5 of Representatives, the President of the United States
6 Senate, and all of the members of Iowa's congressional
7 delegation.

HCR 28 filed on March 9, 1995; House adopted April 9, 1996; Senate adopted May 1, 1996.

1 HOUSE CONCURRENT RESOLUTION 105

2 By Nelson of Marshall

3 A Concurrent Resolution recognizing the women who have
4 served Iowa as state legislators and celebrating 100

5 years of women elected to state legislatures.
 6 *Whereas*, twenty-five years before American women
 7 had a constitutional right to vote, three women were
 8 elected to serve as Colorado state legislators; and
 9 *Whereas*, the National Foundation for Women
 10 Legislators, Inc., the educational arm of the National
 11 Order of Women Legislators, the oldest professional
 12 association for women legislators in the country, is
 13 coordinating state, regional, and national
 14 celebrations to commemorate the 100th year of women
 15 serving in a state legislature; and
 16 *Whereas*, this centennial is being celebrated
 17 throughout the United States to promote public
 18 knowledge and awareness of women in state history; and
 19 *Whereas*, the following women are current or past
 20 members of the following Iowa General Assemblies:

21 NAME	G.A.
22 Representative Carolyn Campbell Pendray	1929-1932
23 Senator Carolyn Campbell Pendray	1933-1936
24 Representative Ada Adair Garner	1933-1934
25 Representative Isabel M. Elliott	1937-1940
26 Representative Mae A. Lynch	1943-1946
27 Senator Kathlyn M. Kirketeg (Wick)	1947-1948
28 Representative Amy M. Bloom	1947-1948
29 Representative Edna C. Lawrence	1947-1950
30 Representative Helen M. Crabb	1949-1952

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1 Representative Katheryn C. Metz	1949-1952
2 Representative Gladys Shand Nelson	1951-1956
3 Representative Lenabelle Bock	1961-1964
4 Representative Katherine M. Falvey (Zastrow)	
5	1959-1964
6 Representative Frances G. Hakes	1961-1964
7 Representative Percie E. Van Alstine	1961-1964
8 Senator Vera H. Shivers (McKee)	1963-1964
9 Representative Minnette F. Doderer	1964-1968
10	1981-present
11 Senator Minnette F. Doderer	1969-1978
12 Representative Mattie B. Bogenrief	1965-1966
13 Representative Gertrude S. Cohen	1965-1966
14 Representative Willie S. Glanton	1965-1966
15 Representative Mary Pat Gregerson	1965-1966
16 Representative Olga D. Wolcott	1965-1966
17 Representative W. Charlene Conklin	1967-1968
18 Representative June A. Franklin	1967-1972
19 Representative Joan M. Lipsky	1967-1978
20 Representative Elizabeth O. Shaw	1967-1972
21 Senator Charlene Conklin	1969-1972
22 Representative Elizabeth Ruby Miller	1969-1972
23 Senator Elizabeth Ruby Miller	1973-1980
24 Senator Elizabeth O. Shaw	1973-1978

25	Senator Joan Y. Orr	1970,
26		1973-1980
27	Representative Lucile Duitscher	1970
28	Representative Sonja C. Egenes	1971-1982
29	Representative Lillian M. McElroy	1971-1976
30	Representative Hallie L. Sargisson	1971-1972

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1	Representative Mattie Harper	1973-1977
2	Representative E. Jean Kiser	1973-1974
3	Representative Mary T. O'Halloran	1973-1978
4	Representative Diane Brandt	1975-1982
5	Representative Julia B. Gentleman	1975-1978
6	Senator Julia B. Gentleman	1979-1990
7	Representative Joyce Lonergan	1975-1986
8	Representative Opal L. Miller	1975-1978
9	Representative Linda A. Svoboda	1975-1978
10	Representative Betty Jean Clark	1977-1990
11	Representative Betty A. Hoffmann (Hoffman-Bright)	
12		1977-1984
13	Representative Nancy J. Shimanek (Boyd)	
14		1977-1982
15	Representative Patricia L. Thompson	1977-1980
16	Senator Sue Yenger	1979-1982
17	Representative Sonja Larsen	1979-1980
18	Representative Jean Lloyd-Jones	1979-1986
19	Senator Jean Lloyd-Jones	1987-1994
20	Representative Sue Mullins	1979-1988
21	Representative Virginia Poffenberger	1979-1982
22	Representative Dorothy F. Carpenter	1981-1994
23	Representative Karen Mann	1981-1982
24	Representative Joan (Jo) Smith	1981-1982
25	Representative Jo Ann Trucano	1981-1982
26	Representative Marcia K. Walter	1981-1982
27	Representative Janet Carl	1981-1986
28	Representative Elaine Baxter	1982-1986
29	Representative Florence D. Buhr	1983-1990
30	Senator Florence D. Buhr	1991-1994

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1	Representative Kay Chapman	1983-1992
2	Representative Josephine Gruhn	1983-1992
3	Representative Johnie Hammond	1983-1994
4	Senator Johnie Hammond	1995-present
5	Representative Doris A. Peick	1983-1986
6	Representative Janis I. Torrence (Laughlin)	
7		1983-1986
8	Representative Jo Ann Zimmerman	1983-1986
9	Lieutenant Governor and Senate President	
10	Jo Ann Zimmerman	1987-1990
11	Senator Joy C. Corning	1985-1990

12	Senator Beverly A. Hannon	1985-1992
13	Representative Linda L. Beatty	1985-1994
14	Representative Joan L. Hester	1985-1994
15	Representative Janet S. Metcalf	1985-present
16	Representative Jane Teaford	1985-1992
17	Representative Janet Adams	1987-1992
18	Representative Teresa A. Garman	1987-present
19	Representative Patricia Harper	1987-1990
20	Representative Mary A. Lundby	1987-1994
21	Senator Mary A. Lundby	1995-present
22	Representative Mary Neuhauser	1987-1994
23	Senator Mary Neuhauser	1995-present
24	Representative Jane Svoboda	1987-1992
25	Senator Elaine Szymoniak	1989-present
26	Senator Maggie Tinsman	1989-present
27	Representative Dolores M. Mertz	1989-present
28	Representative Joyce Nielsen	1989-1992
29	Senator Mary E. Kramer	1991-present
30	Senator Patty Judge	1993-present

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1	Representative Sandra H. Greiner	1993-present
2	Representative Betty Grundberg	1993-present
3	Representative Pam Jochum	1993-present
4	Representative Mona Martin	1993-present
5	Representative Linda Nelson	1993-present
6	Senator Mary Lou Freeman	1994-present
7	Senator Nancy Boettger	1995-present
8	Senator Joann Douglas	1995-present
9	Representative Effie Lee Boggess	1995-present
10	Representative Cecelia Burnett	1995-present
11	Representative Donna M. Hammitt	1995-present
12	Representative Libby Jacobs	1995-present
13	Representative Mary Mascher	1995-present
14	Representative Beverly J. Nelson	1995-present
15	Representative Rosemary Thomson	1995-present

16 and

17 *Whereas*, these women represented their communities
18 and the state with diligence and enthusiasm; and

19 *Whereas*, the knowledge, expertise, and wise
20 leadership of these women have provided and continue
21 to provide guidance as Iowa prepares to enter the 21st
22 century; and

23 *Whereas*, these women deserve recognition for their
24 outstanding contributions to Iowa and for their
25 accomplishments as America's true "timeless pioneers";

26 *Now Therefore*,

27 *Be It Resolved By The House Of Representatives, The*
28 *Senate Concurring*, That the General Assembly extends
29 its sincerest appreciation to all of the women who
30 have unselfishly served Iowa as state legislators, and

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1 recognizes and joins in the 100th Year Celebration of
 2 Women in State Legislatures.
 3 *Be It Further Resolved*, That the Chief Clerk of the
 4 House of Representatives forward copies of this
 5 Resolution to the Commission on the Status of Women,
 6 which shall make every reasonable effort to forward
 7 copies of this Resolution to the legislators
 8 identified in this Resolution, or to the families of
 9 those legislators who are deceased, and to the
 10 National Foundation for Women Legislators, Inc.

HCR 105 filed on January 10, 1996; House adopted, as amended, on
 January 22, 1996; further amended and adopted by the Senate on
 February 27, 1996.

1 HOUSE CONCURRENT RESOLUTION 109
 2 By. Fallon, Baker, Siegrist, and Grundberg
 3 A Concurrent Resolution designating June 15, 1996, as
 4 the day to celebrate the ending of slavery and to
 5 recognize the worth and value of all people.
 6 *Whereas*, the Emancipation Proclamation of January
 7 1, 1863, marked the beginning of the end of slavery in
 8 the United States; and
 9 *Whereas*, the process of liberation continued in
 10 many strongholds of slavery until the end of the Civil
 11 War; and
 12 *Whereas*, on June 19, 1865, General Granger led
 13 Union troops into Galveston, Texas, to end one of the
 14 last vestiges of slavery; and
 15 *Whereas*, June 19 has come to symbolize the
 16 emancipation of the slaves in this country and is
 17 known as "Juneteenth"; and
 18 *Whereas*, Juneteenth presents an opportunity to
 19 further the cause of social, economic, and political
 20 equality for African-Americans; and
 21 *Whereas*, Juneteenth has become an annual holiday
 22 where African-Americans, and all Americans, can,
 23 through an understanding of the hardships and cruelty
 24 imposed by enslaving people, celebrate the ending of
 25 slavery in this country and look with hope to the
 26 future of an American society that recognizes the
 27 worth and value of all people; *Now Therefore*,
 28 *Be It Resolved By The House Of Representatives, The*
 29 *Senate Concurring*, That the Iowa General Assembly
 30 recognize June 15, 1996, as the day to celebrate

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1 Juneteenth in Iowa.
 2 *Be It Further Resolved*, That all Iowans be urged to
 3 participate in the activities planned during the
 4 Juneteenth celebration.

HCR 109 filed on January 29, 1996; House adopted February 15, 1996;
 Senate adopted March 25, 1996.

1 HOUSE CONCURRENT RESOLUTION 110

2 By Tyrrell

3 A Concurrent Resolution requesting the State Department
4 of Transportation to establish a scenic route
5 designation.

6 *Whereas*, the State Department of Transportation is
7 required BY statute to prepare a statewide, long-range
8 plan for the protection, enhancement and
9 identification of highways and secondary roads which
10 pass through unusually scenic areas of the state, as
11 scenic routes; and

12 *Whereas*, the legislative intent governing the
13 designation of scenic routes as stated in section
14 306D.1, subsection 1, paragraph "c", finds that the
15 landscape qualities of unusually scenic routes
16 throughout the state have not been protected from
17 visual and resource deterioration and specifically
18 states that these include areas which pass near the
19 state's nationally significant areas such as the
20 bluffs of the Mississippi and Missouri rivers and the
21 Amana colonies, the Herbert Hoover historical site,
22 federal reservoirs, communities surrounding the
23 state's natural lakes, the Des Moines river greenbelt,
24 and the great river road; and

25 *Whereas*, when a highway is designated as a scenic
26 highway in the department's plan, the scenic highway
27 routes are incorporated in state and local tourism
28 development and marketing programs; and

29 *Whereas*, the route from the bluffs of the Iowa
30 River Valley from Tama and Toledo to Iowa City,

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1 through Chelsea, Belle Plaine, Marengo, the Amana
2 colonies, and Tiffin, is unusually scenic; and

3 *Whereas*, this route includes areas of great scenic
4 beauty and historical value most particularly, the
5 Amana colonies and also including the Amana Nature
6 Trail and F.W. Kent Park, the Old Lincoln Way through
7 Belle Plaine and Chelsea, the Pioneer Heritage Museum
8 and the restored 1880 courthouse in Marengo; and

9 *Whereas*, the scenic quality through which these
10 routes pass, needs protection and enhancement; and

11 *Whereas*, designation of this route will greatly
12 enhance the capability of these areas to attract
13 tourism; *Now Therefore*,

14 *Be It Resolved By The House Of Representatives, The*
15 *Senate Concurring*, That the State Department of
16 Transportation is requested to designate the highways
17 along the bluffs of the Iowa River Valley from Tama
18 and Toledo to Iowa City, through Chelsea, Belle
19 Plaine, Marengo, the Amana colonies, and Tiffin, as a

20 scenic route.

21 *Be It Further Resolved*, That a copy of this

22 resolution be sent to the Director of Transportation.

HCR 110 filed on January 31, 1996; House adopted April 12, 1996; amended and adopted by the Senate on April 17, 1996; House concurred in Senate amendment and adopted on April 18, 1996.

1 HOUSE CONCURRENT RESOLUTION 111

2 By Larson, Renken, Weidman, Drake, Myers, Vande Hoef,

3 Garman, Van Fossen, Sukup, Thompson, Warnstadt,

4 Tyrrell, Kremer, Heaton, Bradley, Churchill, Siegrist,

5 Halvorson, Schulte, Rants, Teig, Lamberti,

6 Hammitt Barry, Arnold, Gries, Daggett, Baker, Dinkla,

7 and Nutt

8 A House Concurrent Resolution supporting Iowa military

9 personnel in the Bosnian peacekeeping mission.

10 *Whereas*, President Bill Clinton ordered American

11 military personnel into the Bosnian area after a

12 negotiated peace treaty was signed in December 1995;

13 and

14 *Whereas*, Iowans in the National Guard and Army

15 Reserves have a long-standing history and tradition of

16 service to the United States at home and overseas; and

17 *Whereas*, the Iowa military personnel in the Bosnian

18 peacekeeping mission represent the citizens of Iowa,

19 and the wives, husbands, children, parents, and

20 friends they have left behind; and

21 *Whereas*, Iowa's military personnel have taken with

22 them the hopes, the hearts, and the respect of the

23 citizens of Iowa; and

24 *Whereas*, Iowa's military personnel have taken with

25 them the ideals this country was founded upon and

26 which have made it strong, the love of freedom, the

27 duty to help those in need, and the responsibility to

28 act with honor in the face of infamy; *Now Therefore*,

29 *Be It Resolved By The House Of Representatives, The*

30 *Senate Concurring*, That even though the citizens of

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1 Iowa may have differing opinions about the

2 peacekeeping mission in the Bosnian area, all

3 recognize and appreciate the sacrifices of the

4 military men and women associated with the Bosnian

5 mission, look forward to their safe return, and honor

6 and support them in the difficult peacekeeping tasks

7 ahead.

8 *Be It Further Resolved*, That the Chief Clerk of the

9 House of Representatives send a copy of this

10 Resolution to Major General Warren G. Lawson, Iowa

11 National Guard, and Brigadier General Thomas Bruner,

12 Third Corps Support Command, who will distribute

13 copies to Iowa's military personnel associated with
 14 the Bosnian peacekeeping mission and to their closest
 15 family member.

HCR 111 filed on February 14, 1996; House adopted February 15, 1996;
 amended and adopted by the Senate on March 25, 1996.

1 HOUSE CONCURRENT RESOLUTION 114

2 By Hammitt Barry

3 A Concurrent Resolution establishing a "Childhood
 4 Recognition Day".

5 *Whereas*, childhood is a time to prepare the
 6 parents, workers, and citizens of the future with the
 7 skills and abilities necessary for a lifetime; and

8 *Whereas*, children are society's most valuable
 9 resource and childhood should be a time to hope and
 10 dream without limitation, to feel secure, to believe
 11 in self without doubt, to experience unconditional
 12 love, and to develop the uniqueness of the individual;
 13 and

14 *Whereas*, families and children today experience
 15 increased stress which did not exist in earlier times
 16 in history; and

17 *Whereas*, a variety of socioeconomic factors have
 18 changed the role that parents play in their children's
 19 early years By decreasing the time that families spend
 20 together and increasing reliance on social
 21 institutions in meeting the needs of children; and

22 *Whereas*, the importance of each child should be
 23 recognized through sincere expressions of love,
 24 caring, and support; *Now Therefore*,

25 *Be It Resolved By The House Of Representatives, The*
 26 *Senate Concurring*, That September 26 be established as
 27 "Childhood Recognition Day" to provide parents and
 28 adult mentors of children with an opportunity to spend
 29 time with children and focus on each child's
 30 uniqueness, hopes, and needs; and

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1 *Be It Further Resolved*, That on "Childhood
 2 Recognition Day", parents and adult mentors of
 3 children participate in activities which emphasize
 4 that childhood is a time for each child to feel
 5 carefree; and

6 *Be It Further Resolved*, That if September 26 is a
 7 school day, schools recognize the importance of
 8 children through special activities which provide
 9 personalized attention to children; and

10 *Be It Further Resolved*, That, on September 26, all
 11 parents or adult mentors of children pause to think
 12 back to their own childhoods and endeavor to help each
 13 child in realizing the child's full potential and to

14 fill each child's life with happy memories to last a
15 lifetime.

HCR 114 filed on February 28, 1996; House adopted March 21, 1996;
Senate adopted March 21, 1996.

1 HOUSE CONCURRENT RESOLUTION 116
2 By Grundberg
3 (Companion by Szymoniak)
4 A Concurrent Resolution designating March 1996 as
5 Iowa Women's History Month.
6 *Whereas*, Iowa is celebrating its sesquicentennial,
7 and Iowa women of every race, class, and ethnic
8 background have made historic contributions to the
9 growth and strength of our state and nation in
10 countless recorded and unrecorded ways; and
11 *Whereas*, Iowa women have played and continue to
12 play a critical economic, cultural, and social role by
13 constituting a significant portion of the labor force,
14 working both inside and outside the home; and
15 *Whereas*, Iowa women were particularly important in
16 the establishment of early charitable, philanthropic,
17 and cultural institutions in Iowa and the nation; and
18 *Whereas*, Iowa women were leaders in the
19 abolitionist movement, the emancipation movement, the
20 industrial labor movement, the women's suffrage
21 movement, the civil rights movement, and the peace
22 movement, creating a more fair and just society for
23 all; and
24 *Whereas*, despite these many contributions and the
25 contributions of women throughout the world, the role
26 of women is consistently overlooked and undervalued in
27 literature, teaching, and the study of history; Now
28 *Therefore*,
29 *Be It Resolved By The House Of Representatives, The*
30 *Senate Concurring*, That the General Assembly designate

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1 the month of March 1996 as Iowa Women's History Month,
2 and invite the citizens of Iowa to discover a new
3 world of people and events in history.
4 *Be It Further Resolved*, That the General Assembly
5 request that the Governor issue a proclamation calling
6 upon the people of Iowa to observe this month with
7 appropriate programs, ceremonies, and activities.

HCR 116 filed on February 29, 1996; House adopted March 7, 1996.

1 HOUSE CONCURRENT RESOLUTION 119
2 By Koenigs
3 A Concurrent Resolution expressing the sympathy of the
4 Iowa General Assembly to the family of Captain John

5 R. Pitzen, United States Navy.
 6 *Whereas*, Captain John R. Pitzen, a native of
 7 Stacyville, Iowa, was listed as missing in action
 8 after his plane was shot down over North Vietnam in
 9 1972; and
 10 *Whereas*, for the past twenty-four years Captain
 11 Pitzen has been missing in action and his family has
 12 not known his fate; and
 13 *Whereas*, Captain Pitzen's remains have now been
 14 positively identified and have been returned to the
 15 United States soil for burial; and
 16 *Whereas*, Captain Pitzen served his country
 17 honorably as a navy pilot for eighteen years before
 18 his plane was shot down; and
 19 *Whereas*, all Iowans share in the loss of a native
 20 son during wartime; *Now Therefore*,
 21 *Be It Resolved By The House Of Representatives, The*
 22 *Senate Concurring*, That the Iowa General Assembly
 23 conveys its sympathy to the family of Captain John R.
 24 Pitzen.
 25 *Be It Further Resolved*, That the Iowa General
 26 Assembly hopes that the resolution of this terrible
 27 tragedy will help provide the family of Captain Pitzen
 28 with some peace of mind knowing that his remains have
 29 been returned to his native land.

HCR 119 filed on March 14, 1996; House adopted March 21, 1996; Senate adopted April 11, 1996.

1 HOUSE CONCURRENT RESOLUTION 122
 2 By Schrader
 3 A Concurrent Resolution to designate March 29, 1996,
 4 Iowa State Flag Day.
 5 *Whereas*, the Iowa state banner was designed by
 6 Dixie Cornell Gebhardt, a Knoxville native and member
 7 of the Iowa society of the Daughters of the American
 8 Revolution; and
 9 *Whereas*, the banner was originally designed as a
 10 regimental flag for Iowa guardsmen serving along the
 11 Mexican border in 1917; and
 12 *Whereas*, the Iowa General Assembly adopted Dixie
 13 Cornell Gebhardt's design as the official state banner
 14 on March 29, 1921; and
 15 *Whereas*, Dixie Cornell Gebhardt wrote that "Iowa's
 16 banner should embrace the history of its domain from
 17 the time of its occupation by the Indians to discovery
 18 by the French and purchase from Napoleon by Jefferson,
 19 to its admission into the Union, down to the present
 20 time . . . in a design so simple that school children
 21 and adults can recognize its symbolism and know that
 22 it meant Iowa"; and
 23 *Whereas*, the state banner is patterned after the
 24 blue, white and red flag of France, a country which

25 ruled Iowa twice before Iowa became a state; and
 26 *Whereas*, the blue in the banner symbolizes loyalty,
 27 the white purity, and the red courage; and
 28 *Whereas*, Iowa's assimilation into the United States
 29 is represented in the banner by a blue streamer, on
 30 which is inscribed the state motto, "Our liberties we

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1 prize and our rights we will maintain", carried by a
 2 soaring eagle, the symbol of America; and
 3 *Whereas*, the state banner is a source of pride for
 4 all Iowans; and
 5 *Whereas*, March 29, 1996, is the seventy-fifth
 6 anniversary of Iowa's official state banner; *Now*
 7 *Therefore*,
 8 *Be It Resolved By The House Of Representatives, The*
 9 *Senate Concurring*, That the General Assembly designate
 10 March 29, 1996, Iowa State Flag Day.

HCR 122 filed on March 27, 1996; House adopted March 28, 1996; Senate adopted March 28, 1996.

1 HOUSE CONCURRENT RESOLUTION 123
 2 By Committee on Administration and Rules
 3 A House Concurrent Resolution to approve and confirm the
 4 appointment of the citizens' aide.
 5 *Whereas*, chapter 2C provides that the citizens'
 6 aide shall be appointed by the legislative council
 7 with the approval and confirmation of a constitutional
 8 majority of the House of Representatives and with the
 9 approval and confirmation of a constitutional majority
 10 of the Senate; and
 11 *Whereas*, on November 29, 1995, the legislative
 12 council reappointed Mr. William P. Angrick II as
 13 citizens' aide for a term commencing July 1, 1996, and
 14 is submitting his name for approval and confirmation
 15 by a constitutional majority of the House of
 16 Representatives and Senate; *Now Therefore*,
 17 *Be It Resolved By The House Of Representatives, The*
 18 *Senate Concurring*, That Mr. William P. Angrick II is
 19 approved and confirmed as citizens' aide for a four-
 20 year term which commences July 1, 1996, as provided in
 21 sections 2C.3 and 2C.5.

HCR 123 filed on March 27, 1996; House adopted April 8, 1996; Senate adopted April 11, 1996.

1 HOUSE CONCURRENT RESOLUTION 125
 2 By Meyer
 3 A House Concurrent Resolution to urge the federal
 4 government to ensure fair and competitive
 5 market practices for the purchase of livestock

6 from producers by packers and livestock buyers.
7 *Whereas*, agriculture has traditionally represented
8 the foundation of this nation's economic prosperity,
9 providing a system unmatched in the world for the
10 abundant and affordable production of food, feed
11 grains, and animal products, which maintains this
12 nation's people and contributes billions of dollars in
13 revenue each year from export sales; and
14 *Whereas*, the production of livestock by this
15 nation's farmers and ranchers represents a key
16 component of this nation's prosperity, by providing
17 numerous value-added food and other products upon
18 which this nation depends; and
19 *Whereas*, the state of Iowa is a leading
20 agricultural state which has developed and is
21 expanding infrastructure for the production and
22 processing of livestock, By relying upon its abundant
23 supplies of feed grains and the management and
24 knowledge of its producers, to consistently rank among
25 the top livestock-producing states in the nation; and
26 *Whereas*, this system of livestock production, which
27 has contributed to the economic security of the United
28 States, depends upon farmers and ranchers competing in
29 fair and open markets which ensure that producers have
30 an equal opportunity to sell livestock to packers and

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1 buyers based on animal carcass value; and
2 *Whereas*, the practice of engaging in special
3 pricing arrangements which are not justifiable between
4 packers or buyers and producers erodes this nation's
5 system of open and fair markets, by establishing
6 arbitrary and inconsistent pricing without public
7 disclosure or price discovery, and which, if allowed
8 to replace the current system and distort market
9 forces, will create relationships which, in some
10 cases, will be unfair to producers and in other cases
11 will be unfair to packers and buyers; and
12 *Whereas*, the United States Congress enacted the
13 Packers and Stockyards Act of 1921 as amended, 21
14 U.S.C. § 181 et seq., to ensure fair and competitive
15 pricing practices between packers or buyers and
16 producers; *Now Therefore*,
17 *Be It Resolved By The House Of Representatives, The*
18 *Senate Concurring*, That the Congress of the United
19 States; the President of the United States; the
20 Secretary of Agriculture, United States Department of
21 Agriculture; and the Grain Inspection, Packers and
22 Stockyards Administration, United States Department of
23 Agriculture, support a price reporting system that
24 includes the disclosure of prices paid for the
25 purchase of livestock each week to be reported by the

26 United States Department of Agriculture; and
27 *Be It Further Resolved*, That pricing practices be
28 reviewed for purposes of developing and enforcing
29 standards and limitations regarding justifiable price
30 differences based on the time of delivery, carcass

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1 value, and private pricing arrangements under
2 contract; and
3 *Be It Further Resolved*, That the Grain Inspection,
4 Packers and Stockyards Administration, United States
5 Department of Agriculture, complete or update ongoing
6 studies evaluating the effects of justifiable pricing
7 differences; and
8 *Be It Further Resolved*, That interested members of
9 the Iowa General Assembly, including members of the
10 Legislative Council of the Iowa General Assembly, are
11 encouraged to discuss these issues with legislative
12 members representing other midwestern states,
13 including supporting forums sponsored by the National
14 Conference of State Legislatures and the Council of
15 State Governments, in order to ensure a coordinated
16 legislative response to issues relating to ensuring
17 fair and competitive market practices, if the federal
18 government does not take action to ensure fair and
19 competitive market practices during the 1996 calendar
20 year; and
21 *Be It Further Resolved*, That if the federal
22 government does not take action to support a price
23 reporting system that includes disclosure of prices
24 paid for the purchase of livestock and prohibits
25 packers from unjustly discriminating in the prices
26 that they offer to different producers, the Iowa
27 General Assembly shall consider these issues during
28 the next regular session of the Seventy-seventh Iowa
29 General Assembly; and
30 *Be It Further Resolved*, That a copy of this

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1 resolution be sent by the Chief Clerk of the House of
2 Representatives to the National Conference of State
3 Legislatures and the Council of State Governments; and
4 *Be It Further Resolved*, That a copy of this
5 resolution be sent by the Chief Clerk of the House of
6 Representatives to the President of the Senate of the
7 United States; the Speaker of the House of
8 Representatives of the United States; the chairman of
9 the United States Senate Committee on Agriculture,
10 Nutrition, and Forestry; the chairman of the United
11 States House of Representatives Committee on
12 Agriculture; members of Iowa's congressional

13 delegation; the President of the United States; the
 14 Secretary of Agriculture, United States Department of
 15 Agriculture; and the Administrator of the Grain
 16 Inspection, Packers and Stockyards Administration,
 17 United States Department of Agriculture.

HCR 125 filed on April 10, 1996; House adopted April 18, 1996.

1 HOUSE CONCURRENT RESOLUTION 128
 2 By Welter, Garman, Heaton, Jacobs, Larkin,
 3 Myers, Schulte, and Vande Hoef
 4 A Concurrent Resolution honoring the seventy-fifth
 5 anniversary of the Division of Criminal Investi-
 6 gation of the Iowa Department of Public Safety.
 7 *Whereas*, the Division of Criminal Investigation of
 8 the Iowa Department of Public Safety has been
 9 diligently and proudly serving the citizens of Iowa
 10 since 1921; and
 11 *Whereas*, law enforcement agencies, county
 12 attorneys, and other criminal justice agencies within
 13 Iowa and elsewhere have relied upon the expertise of
 14 the Division in performing investigations and other
 15 services; and
 16 *Whereas*, the Division, and each of the men and
 17 women who have been employed by the Division, has
 18 consistently worked to solve serious crimes; and
 19 *Whereas*, the Division is recognized as one of the
 20 finest state investigative agencies in the country;
 21 and
 22 *Whereas*, the Division is celebrating its seventy-
 23 fifth year of public service to Iowans during April
 24 1996; *Now Therefore*,
 25 *Be It Resolved BY The House Of Representatives, The*
 26 *Senate Concurring*, That the General Assembly recognize
 27 the seventy-fifth anniversary of the Division of
 28 Criminal Investigation, honor the Division for its
 29 role in criminal justice work in Iowa, congratulate
 30 the men and women who serve the Division, and thank

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1 them for effectively and tirelessly performing their
 2 duties on behalf of all Iowans.
 3 *Be It Further Resolved*, That an official copy of
 4 this resolution be prepared for presentation to the
 5 Division of Criminal Investigation of the Iowa
 6 Department of Public Safety.

HCR 128 filed on April 17, 1996; House adopted April 25, 1996.

1 HOUSE CONCURRENT RESOLUTION 129
 2 By Harrison
 3 A Concurrent Resolution designating Crime Victims'
 4 Rights Week in Iowa.

5 *Whereas*, 43.6 million Americans are victimized in
 6 the United States each year; and
 7 *Whereas*, a violent crime is committed in America
 8 every 17 seconds; and
 9 *Whereas*, law-abiding citizens are no less deserving
 10 of justice, rights, resources, restoration, and
 11 rehabilitation than the violent offenders who
 12 victimize them; and
 13 *Whereas*, crime victims play an indispensable role
 14 in bringing offenders to justice; and
 15 *Whereas*, crime victims and their advocates over the
 16 past two decades have made unparalleled progress
 17 toward balancing the scales of justice in our criminal
 18 justice system; and
 19 *Whereas*, the dawning of a new day of victim justice
 20 is being heralded across our land by the strong spirit
 21 and commitment of millions of survivors of crime,
 22 their families, and advocates who proudly bear the
 23 banner of justice; and
 24 *Whereas*, survivors of violent crime need and
 25 deserve quality programs and services to help them
 26 recover from the devastating psychological, physical,
 27 and emotional hardships resulting from their
 28 victimization; and
 29 *Whereas*, as a nation devoted to liberty and justice
 30 for all, America must increase its efforts to protect

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1 and restore crime victims' rights; and
 2 *Whereas*, to fight the continuing threat of crime
 3 and victimization, all Americans must join together,
 4 committing their individual and collective resources
 5 to crime prevention and victim services; *Now*
 6 *Therefore*,
 7 *Be It Resolved By The House Of Representatives, The*
 8 *Senate Concurring*, That the General Assembly designate
 9 the week of April 21 to April 27, 1996, as Crime
 10 Victims' Rights Week in Iowa, and reaffirm its
 11 commitment to victims' rights and criminal justice
 12 issues.

HCR 129 filed and adopted by the House on April 18, 1996.

1 HOUSE CONCURRENT RESOLUTION 132

2 By Vande Hoef

3 A Concurrent Resolution recognizing the importance
 4 of the fossil crinoid.

5 *Whereas*, the study of fossils contained in
 6 sedimentary rock formations in the state provides
 7 geologists with evidence of the geological and
 8 paleontological history of the state; and

9 *Whereas*, fossils of crinoids, marine invertebrates
 10 which live in all depths and temperatures, are

11 abundant in the rock of marine origin underlying the
12 state, including significant deposits in the cities of
13 Burlington, Le Grand, and Gilmore City; and
14 *Whereas*, the crinoid has survived 475 million years
15 of earth history and remains an active part of the
16 world's ocean life; and
17 *Whereas*, crinoid skeletal fragments make up a
18 significant portion of the limestone deposits of Iowa,
19 providing Iowa industry with the limestone used for
20 road base, as agricultural lime, as building stone,
21 and as the raw material for cement including "portland
22 cement," which is used to form the most widely used
23 type of construction cement; and
24 *Whereas*, in addition to the economic benefits
25 resulting from the presence of fossil crinoids, the
26 crinoid has also brought recognition to the state and
27 to citizens of the state as the result of the research
28 of both professionals and amateurs; and
29 *Whereas*, three of these researchers have received
30 recognition in the global scientific community for

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1 their efforts: Charles Wachsmuth (1829-1896), a
2 German immigrant who settled at Burlington and who,
3 due to his collecting, research, and writings
4 regarding the crinoid, received an appointment to the
5 Museum of Comparative Zoology at Harvard University;
6 Frank Spinger (1848-1927) who, as an attorney
7 practicing in Burlington, became a friend and coworker
8 of Charles Wachsmuth with whom he produced many texts
9 on crinoids and for whom a room at the Smithsonian
10 Institution is named; and Burnice H. Bean (1879-1966)
11 who, as a farmer near Le Grand, collected, studied and
12 wrote about crinoids, savings thousands of perfectly
13 preserved fossil crinoids from destruction, thereby
14 providing universities and museums across the nation
15 with exhibits of these specimens, including a current
16 exhibit at the State Historical Building; and
17 *Whereas*, the fossil crinoid, also referred to as
18 the sea lily, is a symbol of the state's geological
19 and paleontological heritage, has provided economic
20 benefits to the state as a source of limestone, and is
21 recognized for its completeness and beauty worldwide;
22 *Now Therefore*,
23 *Be It Resolved By The House Of Representatives, The*
24 *Senate Concurring*, That the General Assembly
25 officially recognizes the importance of the fossil
26 crinoid, and encourages the citizens of the state to
27 tour the current exhibit at the state historical
28 building entitled "Flowers of the Iowa Seas" which
29 includes specimens of fossil crinoids and examples of
30 a variety of other former and current inhabitants of

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1 Iowa's seas.

HCR 132 filed and adopted by the House on May 1, 1996; Senate adopted May 1, 1996.

1 HOUSE RESOLUTION 102
2 By Siegrist and Corbett
3 A House Resolution honoring Iowa State University's
4 football running back Troy Davis.
5 *Whereas*, the citizens of Iowa were excited and
6 entertained by the electrifying exploits of Troy Davis
7 during the 1995 football season at Iowa State
8 University; and
9 *Whereas*, Troy Davis led the nation in rushing at
10 182.7 yards per game and in all-purpose yards at 224.2
11 yards per game; and
12 *Whereas*, Troy Davis was the first sophomore in
13 National Collegiate Athletic Conference (NCAA) history
14 to reach the 1000-yard mark during the first five
15 games of the season; and
16 *Whereas*, Troy Davis finished the season having
17 rushed for 2,010 yards, ranking him fifth on the all-
18 time NCAA list for most rushing yards gained in a
19 single season; and
20 *Whereas*, Troy Davis amassed these statistics
21 against a schedule that matched the Cyclones against
22 four teams rated in the top 10 in the final polls,
23 including the eventual national champions, as well as
24 playing against the Iowa Hawkeyes, Sun Bowl champions;
25 and
26 *Whereas*, Troy Davis was chosen as the Big Eight
27 Player of the Year BY the magazine "Football News";
28 and
29 *Whereas*, Troy Davis was chosen as a first-team All-
30 American by the Associated Press and as an All-

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1 American by United Press International, Football News,
2 and Walter Camp; and
3 *Whereas*, Troy Davis was chosen as a finalist for
4 college football's most prestigious award, the Heisman
5 Trophy; and
6 *Whereas*, Troy Davis always put the interests of his
7 team ahead of his own interests, credited his
8 teammates for his success, and distinguished the state
9 of Iowa with his stellar attitude and model behavior
10 on and off the field; and
11 *Whereas*, Troy Davis also performed well in the
12 classroom during the fall semester of 1995, earning

13 commendable academic marks; and
14 *Whereas*, the entire Cyclone football team and Iowa
15 State University head coach Dan McCarney merit praise
16 for their important contributions to Troy Davis'
17 success; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*,
19 That Troy Davis be congratulated for his
20 accomplishments during the 1995 football season at
21 Iowa State University.
22 *Be It Further Resolved*, That Troy Davis and his
23 future Cyclone brother, Darren Davis, are wished the
24 best of luck and continued success during the 1996
25 football season at Iowa State University.
26 *Be It Further Resolved*, That copies of this
27 Resolution be sent to Troy Davis, Iowa State
28 University head football coach Dan McCarney, Darren
29 Davis, and the Davis' parents, Mr. and Mrs. William
30 and Eular Davis of Miami, Florida.

HR 102 filed and adopted by the House on February 19, 1996.

1 HOUSE RESOLUTION 103
2 By Metcalf, Daggett, Doderer, Halvorson, and Weigel
3 A House Resolution honoring Mrs. Phyllis Barry upon
4 her retirement as Iowa Administrative Code Editor.
5 *Whereas*, Mrs. Phyllis Barry is retiring as Iowa
6 Administrative Code Editor after serving for over 31
7 years in the State of Iowa's Code office; and
8 *Whereas*, her positions of responsibility in the
9 Code office have involved many years of service in
10 both the legislative and judicial branches of
11 government; and
12 *Whereas*, she has worked closely with
13 representatives from all three branches of government
14 both as Deputy Code Editor and as Administrative Code
15 Editor; and
16 *Whereas*, Mrs. Barry has served as Secretary to the
17 Administrative Rules Review Committee since its
18 establishment in 1975, and as editor of the
19 publications of executive branch administrative rules,
20 never missing a biweekly publication deadline during
21 the period of more than twenty years; and
22 *Whereas*, in these roles, Mrs. Barry has been
23 involved in all aspects of legal publication of the
24 Code of Iowa, the Iowa Acts, the Iowa Administrative
25 Bulletin, the Iowa Administrative Code, the Iowa Court
26 Rules, and the State Roster; and
27 *Whereas*, in her publication activities with the
28 Iowa Supreme Court and the executive branch agencies,
29 Mrs. Barry has developed close working relationships
30 beneficial to the operations of state government in

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1 general; and
2 *Whereas*, Mrs. Barry has excelled in her unyielding
3 devotion to quality and perfection in the publication
4 of the law and the administrative rules, and has
5 served the legal community and the public for many
6 years, personally providing essential statutory and
7 administrative rules historical research; and
8 *Whereas*, Mrs. Barry's expertise and knowledge in
9 the field of statutory and administrative law
10 publication are unsurpassed in the State of Iowa; and
11 *Whereas*, her counterparts in other states have
12 frequently sought her counsel and advice; and
13 *Whereas*, this expertise and knowledge have provided
14 an essential public service to the citizens of the
15 State of Iowa, guaranteeing the citizens of Iowa
16 timely and efficient access to state laws and
17 administrative rules, thus helping to preserve to the
18 citizens the opportunity to prize their liberties and
19 to maintain their rights as memorialized in the
20 State's motto; and
21 *Whereas*, Mrs. Barry has been a very able
22 administrator of the Code office for many years,
23 assembling at all times a professional, expert, and
24 loyal staff, while maintaining an uncommon affinity
25 and cordiality among her colleagues in the Code
26 office; and
27 *Whereas*, it is fitting that the General Assembly
28 and all of state government should recognize Mrs.
29 Barry's outstanding accomplishments and leadership in
30 the field of statutory and administrative law

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1 publication for the State of Iowa; *Now Therefore*,
2 *Be It Resolved By The House Of Representatives*,
3 That the General Assembly of the State of Iowa pay
4 tribute to Mrs. Phyllis Barry for her extraordinary
5 accomplishments and devoted service to the Iowa
6 General Assembly, the Administrative Rules Review
7 Committee, the Legislative Service Bureau, and the
8 citizens of this state and, upon her retirement, wish
9 her the very best in the years ahead; and
10 *Be It Further Resolved*, That an official copy of
11 this Resolution be prepared and presented to Mrs.
12 Phyllis Barry.

HR 103 filed and adopted by the House on February 29, 1996.

1 HOUSE RESOLUTION 104
2 By Churchill, Corbett, Schrader, Bell, Mascher,
3 Nelson of Marshall, and Nelson of Pottawattamie

4

(Companion by Black)

5 A House Resolution urging the United States government
6 to reassess its policy relating to the dispute
7 between the People's Republic of China (mainland
8 communist China) and the Republic of China (ROC) on
9 Taiwan.

10 *Whereas*, the Republic of China on Taiwan
11 established a sister state relationship with the State
12 of Iowa on September 25, 1989, and is a valued trading
13 partner of the United States; and

14 *Whereas*, the Republic of China on Taiwan is a
15 paradigm example of the success of a market-based
16 economic system and of an open political system; and

17 *Whereas*, the People's Republic of China has been
18 escalating its threatening rhetoric and propaganda
19 directed at the Republic of China on Taiwan; and

20 *Whereas*, the House of Representatives is
21 justifiably concerned with the security of the
22 citizens and government of the Republic of China on
23 Taiwan; and

24 *Whereas*, the House of Representatives supports the
25 efforts of the Republic of China on Taiwan to become a
26 fully democratic nation; and

27 *Whereas*, it is the fervent hope and desire of the
28 House of Representatives that the People's Republic of
29 China will not interfere with the Republic of China on
30 Taiwan's upcoming presidential election; *Now*

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1 *Therefore*,

2 *Be It Resolved By The House Of Representatives*,
3 That the United States government reassess its foreign
4 policy relating to the People's Republic of China and
5 take appropriate actions in accordance with the Taiwan
6 Relations Act, 22 U.S.C.A. § 3301(b), to send a clear
7 message to the leadership of the People's Republic of
8 China that disputes between the People's Republic of
9 China and the Republic of China on Taiwan should be
10 dealt with through peaceful negotiations rather than
11 political intimidation and threats of military
12 confrontation.

13 *Be It Further Resolved*, That copies of this
14 Resolution be sent to the members of the Iowa
15 congressional delegation, the embassy of the People's
16 Republic of China in Washington, D.C., and the foreign
17 ministry of the Republic of China in Taipei, Taiwan.

HR 104 filed March 11, 1996; House adopted March 12, 1996.

1

HOUSE RESOLUTION 105

2

By Burnett and Bernau

3 A House Resolution congratulating the Iowa State
4 Cyclones Men's Basketball Team.
5 *Whereas*, the citizens of Iowa are greatly pleased
6 that the Iowa State Cyclones Men's Basketball Team, in
7 Head Coach Tim Floyd's second season, exceeded all
8 expectations in compiling a 24-9 record; and
9 *Whereas*, the Iowa State Cyclones Men's Basketball
10 Team delighted all fans and all Iowans by winning the
11 Big Eight Conference Basketball Tournament; and
12 *Whereas*, the Iowa State Cyclones Men's Basketball
13 Team finished second in the regular season Big Eight
14 Conference race; and
15 *Whereas*, Iowans are justly proud that the Iowa
16 State Cyclones Men's Basketball Team was invited to
17 participate in the 1996 NCAA tournament; and
18 *Whereas*, the Iowa State Cyclones Men's Basketball
19 Team thrilled Iowans with its win in the first round
20 of the NCAA tournament; *Now Therefore*,
21 *Be It Resolved By The House Of Representatives*,
22 That Coach Tim Floyd and the Iowa State Cyclones Men's
23 Basketball Team be congratulated on their successful
24 season and be thanked for the honor and excitement
25 they brought to the state of Iowa.

HR 105 filed March 27, 1996; House adopted April 11, 1996.

1 HOUSE RESOLUTION 106
2 By Committee on Administration and Rules
3 A House Resolution relating to an annual budget
4 for the daily operations of the House of
5 Representatives.
6 *Whereas*, the legislative authority of this state is
7 vested in the General Assembly consisting of the House
8 of Representatives and the Senate; and
9 *Whereas*, the House of Representatives necessarily
10 incurs substantial expenses for its daily operations;
11 and
12 *Whereas*, the House of Representatives is authorized
13 to expend funds from the state treasury necessary to
14 pay for its expenses and for expenses incurred jointly
15 by the House of Representatives and the Senate; and
16 *Whereas*, it is deemed advisable and proper for the
17 House of Representatives to make expenditures in
18 accordance with a budgetary plan; *Now Therefore*,
19 *Be It Resolved By The House Of Representatives*:
20 Section 1. Expenditures of the House of
21 Representatives payable pursuant to Iowa Code sections
22 2.10 through 2.14 for the regular legislative session
23 and the interim period during the fiscal year
24 beginning July 1, 1996, and ending June 30, 1997, are
25 budgeted to be as follows:
26 1. Session expenses including members' annual
27 compensation and temporary staff compensation and

28 other current expenses in an amount not to exceed
29 \$5,536,600.
30 2. Interim expenses including members' and staff

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1 compensation and other current expenses in an amount
2 not to exceed \$410,000.
3 3. Fixed expenses, including permanent employees'
4 compensation and equipment, in an amount not to exceed
5 \$2,140,000.
6 4. A special fund for renovation, restoration, and
7 equipment improvements in the House chamber and
8 adjacent areas to be used with the authorization of
9 the Committee on Administration and Rules, in an
10 amount not to exceed \$25,000.
11 5. A special fund for technology improvements and
12 equipment in an amount not to exceed \$500,000.
13 Sec. 2. The Chief Clerk of the House of
14 Representatives shall immediately provide written
15 notice to the Speaker and Minority Leader of the House
16 of Representatives and to the Chair and Ranking Member
17 of the House Committee on Appropriations if actual
18 expenditures payable pursuant to Iowa Code sections
19 2.10 through 2.14 exceed the maximum amount allocated
20 to any category of the budget provided by section 1 of
21 this resolution. The written notice shall specify the
22 amount of and reasons for any excess expenditure.
23 Sec. 3. The expenditures referred to in section 2
24 of this resolution shall consist only of those sums
25 required for payment of the various expenses of the
26 General Assembly including items such as legislative
27 printing expenses, unpaid expenses incurred during the
28 interim between sessions of the General Assembly,
29 expenditures incurred pursuant to resolutions, and
30 expenses for purchases of legislative equipment and

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1 supplies necessary to carry out the functions of the
2 General Assembly. Joint expenditures or special
3 expenditures approved by the Committee on
4 Administration and Rules or the Legislative Council
5 are not included in the budget set forth in this
6 resolution.
7 Sec. 4. If a special session of the General
8 Assembly is held, the Committee on Administration and
9 Rules shall provide for consideration of a budget for
10 the special session.

HOUSE RESOLUTION 109

1 By Fallon, Hurley, Witt, Hammitt Barry, O'Brien,
2 Coon, Jochum, Lord, Holveck, Kremer, Burnett, Houser,
3 Harper, Jacobs, Nelson of Marshall, Van Fossen,
4 Shoultz, Sukup, Boddicker, Schulte, Connors, Garman,
5 Bernau, Brand, Tyrrell, Main, Mascher, Huseman,
6 Kreiman, Brunkhorst, Welter, Mertz, May, Bogess,
7 Thomson, Larkin, Mundie, Nutt, Larson, Daggett,
8 Osterhaus, Heaton, Grundberg, Carroll, Churchill,
9 Nelson of Pottawattamie, Ertl, Veenstra, Branstad,
10 Eddie, Metcalf, Lamberti, Harrison, Disney, Martin,
11 Vande Hoef, Brauns, Hanson, Rants, Klemme, Grubbs,
12 Blodgett, and Gries

13 A House Resolution relating to the adverse effects of
14 excessive television viewing and supporting National
15 TV - Turnoff Week.

16 *Whereas*, according to a 1996 A.C. Nielsen survey,
17 the average American watches more than four hours of
18 television each day; and

19 *Whereas*, upon graduation from high school, the
20 average American child will be estimated to have spent
21 more time watching television than in school, and by
22 age 65 Americans will be estimated to have spent nine
23 years of their life watching television; and

24 *Whereas*, television viewers are constantly exposed
25 to a barrage of messages which depict and glorify
26 violence, sexual license, materialism, family
27 alienation, suicide, drug and alcohol abuse, racism,
28 and sexism; and

29 *Whereas*, the influence wielded by the television
30

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1 industry and its advertisers has had a negative effect
2 on society in general and young people in particular;
3 and

4 *Whereas*, an increasing number of young people are
5 alienated from civilizing values and family
6 structures, resulting at least in part from the
7 interference of television viewing with reading,
8 family interaction, creative development, academic
9 growth, and physical fitness; and

10 *Whereas*, an estimated three million people in
11 25,000 schools and community groups across the country
12 will turn off their television sets in observance of
13 the second annual National TV - Turnoff Week, April
14 24-30, 1996; and

15 *Whereas*, National TV - Turnoff Week is sponsored by
16 TV-Free America, a nonprofit organization that
17 encourages Americans to reduce the amount of
18 television they watch in order to promote richer,
19 healthier, and more connected lives, families, and
20 communities; and

21 *Whereas*, many participants in the 1995 National TV
 22 - Turnoff Week reported that their families continued
 23 watching significantly less television than they had
 24 previously watched long after the week had ended; and
 25 *Whereas*, National TV - Turnoff Week is endorsed by
 26 a number of national organizations, including the
 27 American Medical Association, American Psychiatric
 28 Association, National Association of Elementary School
 29 Principals, National Coalition on Television Violence,
 30 American Federation of Teachers, Congress of National

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1 Black Churches, Natural Resources Defense Council,
 2 Children's Defense Fund, Libraries for the Future,
 3 National Association for the Education of Young
 4 Children, American Academy of Family Physicians,
 5 Council for Basic Education, Literacy Volunteers of
 6 America, American Nurses Association, National
 7 Association of School Psychologists, National
 8 Association for Girls and Women in Sport, National
 9 Religious Partnership for the Environment, Family
 10 Research Council, National Association for Sport and
 11 Physical Education, Association for Library Service to
 12 Children, a Division of the American Library
 13 Association, Student Environmental Action Coalition,
 14 and the President's Council on Physical Fitness and
 15 Sports; *Now Therefore*,
 16 *Be It Resolved By The House Of Representatives*,
 17 That the House supports and encourages the observance
 18 of National TV - Turnoff Week by the citizens of Iowa.
 19 *Be It Further Resolved*, That copies of this
 20 resolution be transmitted by the Chief Clerk of the
 21 House of Representatives to the Department of
 22 Education for distribution throughout the state
 23 primary and secondary public and private school
 24 systems, colleges and universities, and by the
 25 Division of Library Services to state and municipal
 26 libraries.

HR 109 filed April 17, 1996; House adopted April 23, 1996.

1 HOUSE RESOLUTION 110
 2 By Halvorson and Tyrrell
 3 A Resolution recognizing the Independent Insurance
 4 Agents of America, Inc., for 100 years of service.
 5 *Whereas*, The Independent Insurance Agents of
 6 America, Inc. (IIAA), is celebrating 100 years of
 7 service as an association, having been founded in
 8 Chicago, Illinois, in 1896; and
 9 *Whereas*, the state association of Independent
 10 Insurance Agents of Iowa, Inc., is celebrating 90
 11 years of service as an association, having been

12 founded in 1906, and has helped serve the small
 13 business community and the state on behalf of the
 14 national association; and
 15 *Whereas*, IIAA is a voluntary federation of state
 16 associations and local boards, with more than 300,000
 17 independent insurance agents and their employees,
 18 proudly serving every state in the union; and
 19 *Whereas*, IIAA has an illustrious history
 20 establishing itself as one of the nation's largest and
 21 oldest independent agents association known for its
 22 strength and effectiveness; and
 23 *Whereas*, IIAA continues to maintain its original
 24 grassroots structure dedicated to fair practices in
 25 the marketplace and high business standards for the
 26 association and its members; and
 27 *Whereas*, IIAA members rely on a commitment to
 28 competition, professionalism, and education to ensure
 29 public confidence and choice in the insurance
 30 industry; and

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1 *Whereas*, many thousands of consumers have benefited
 2 from the outstanding leadership and dedication this
 3 association has provided to the industry and its
 4 members; *Now Therefore*,
 5 *Be It Resolved By The House Of Representatives*,
 6 That the Independent Insurance Agents of America,
 7 Inc., be recognized for 100 years of service, and that
 8 the state association of Independent Insurance Agents
 9 of Iowa, Inc., be recognized for 90 years of service,
 10 to the consumers and agents of this state.
 11 *Be It Further Resolved*, That the Chief Clerk of the
 12 House of Representatives prepare official copies of
 13 this Resolution for presentation to the Independent
 14 Insurance Agents of America, Inc., and to the state
 15 association of Independent Insurance Agents of Iowa,
 16 Inc.

HR 110 filed and adopted by the House on April 18, 1996.

1 HOUSE RESOLUTION 111
 2 By Myers, Connors, Branstad, Kremer,
 3 Renken, and Warnstadt
 4 A House Resolution urging the Commission of Veterans
 5 Affairs to provide for the establishment of a state
 6 veterans' cemetery in central Iowa.
 7 *Whereas*, Iowa has only one national veterans'
 8 cemetery; and
 9 *Whereas*, the only national veterans' cemetery is
 10 located in Keokuk, Iowa, and is scheduled to be
 11 without additional burial space BY 2002; and
 12 *Whereas*, federal legislation which supports the

13 creation of veterans' cemeteries recommends that
 14 veterans' cemeteries should be located conveniently to
 15 veterans and their families; and

16 *Whereas*, of the approximate 300,000 veterans
 17 residing in Iowa, 192,000 veterans reside in central
 18 Iowa; and

19 *Whereas*, fifty percent of the funding required to
 20 establish a veterans' cemetery can be obtained from
 21 federal grants; and

22 *Whereas*, one of the priorities of the Commission of
 23 Veterans Affairs, when created, was the establishment
 24 of a state veterans' cemetery; and

25 *Whereas*, all of the veterans' organizations in this
 26 state have expressed support for the concept of
 27 establishing a state veterans' cemetery; and

28 *Whereas*, a potential location for a state veterans'
 29 cemetery has been identified and is available; *Now*
 30 *Therefore*,

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1 *Be It Resolved*, That the Iowa House of
 2 Representatives urges the Commission of Veterans
 3 Affairs to take the necessary steps toward planning
 4 and establishing a state veterans' cemetery at a
 5 centralized location in this state including the
 6 submission of an application for a federal grant for
 7 that purpose.

8 *Be It Further Resolved*, That the Iowa House of
 9 Representatives consider financial support for a state
 10 veterans' cemetery upon receipt of appropriate plans
 11 for establishment and maintenance of the proposed
 12 cemetery and a request for an appropriation submitted
 13 to the House Committee on Appropriations in an amount
 14 not to exceed \$500,000.

15 *Be It Further Resolved*, That the Chief Clerk of the
 16 Iowa House of Representatives send a copy of this
 17 resolution to the Executive Director of the Commission
 18 of Veterans Affairs.

HR 111 filed April 18, 1996; House adopted April 29, 1996.

1 HOUSE RESOLUTION 112

2 By McCoy

3 A House Resolution to honor professional truck drivers
 4 who serve their country each day by safely and
 5 efficiently delivering freight vital to the welfare
 6 of the United States.

7 *Whereas*, the economic welfare of the United States
 8 is contingent upon the transportation of 5.5 billion
 9 tons of freight carried on the wheels of trucks
 10 traveling this nation's highways each year; and

11 *Whereas*, approximately 3 million professional truck

12 drivers conscientiously and efficiently drive more
13 than 153 billion miles each year to deliver food, raw
14 materials, and manufactured products to homes,
15 communities, schools, and businesses throughout this
16 nation; and

17 *Whereas*, America's professional truck drivers have
18 been honored as among the safest of all drivers, and
19 have received awards for extraordinary acts of heroism
20 for rescuing fellow motorists from injury or death;

21 *Now Therefore*,

22 *Be It Resolved By The House Of Representatives*,
23 That the week of August 18th through 24th of this year
24 be designated as National Truck Driver Appreciation
25 Week, in honor of the hard work, dedication, and
26 commitment to safety, of these men and women who
27 travel the nation's roads in order to make the lives
28 of all Americans better; and

29 *Be It Further Resolved*, That cities, towns,
30 businesses, schools, communities, churches, and other

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1 civic organizations are encouraged to honor
2 professional truck drivers for the vital role that
3 they play in the life of America, including by
4 sponsoring festivals, fairs, parades, barbecues, and
5 banquets; and

6 *Be It Further Resolved*, That the Chief Clerk of the
7 House of Representatives send a copy of this
8 Resolution to the Des Moines Register and to the Iowa
9 Motor Truck Association.

HR 112 filed April 29, 1996; House adopted April 30, 1996.

1 HOUSE RESOLUTION 113.

2 By Harrison, Van Fossen, Martin, Myers,
3 Jacobs, Bradley, and Grubbs

4 A Resolution designating motorcycle awareness month in
5 Iowa.

6 *Whereas*, the people of Iowa have an enduring regard
7 for the preservation of life on our highways; and

8 *Whereas*, motorcycle awareness days are being
9 observed throughout the nation; and

10 *Whereas*, motorcycles comprise 4.35 percent of the
11 registered motor vehicles in Iowa; and

12 *Whereas*, motorcycles are involved in 7.8 percent of
13 the total motor vehicle fatalities in Iowa; and

14 *Whereas*, motorcycle awareness month provides
15 citizens of Iowa an opportunity to commit themselves
16 to being more alert and aware of other motor vehicle
17 drivers and especially those operating motorcycles;

18 *Now Therefore*,

19 *Be It Resolved By The House Of Representatives*,

20 That May 1996 be designated as motorcycle awareness
 21 month in Iowa, and that all Iowans are encouraged to
 22 be conscious of other motor vehicle operators,
 23 particularly those on motorcycles.

HR 113 filed April 30, 1996; House adopted May 1, 1996.

1 HOUSE RESOLUTION 114
 2 By Kreiman
 3 A House Resolution honoring students and teachers
 4 from Albia Community High School for their
 5 accomplishments at the recent Orlando Festival
 6 of Music in Orlando, Florida.
 7 *Whereas*, students from Albia Community High School
 8 recently participated in the Orlando Festival of
 9 Music, a musical competition with students from seven
 10 other states, which was held in Orlando, Florida; and
 11 *Whereas*, the Albia Community High School Marching
 12 Band earned first place honors and a superior rating
 13 in the marching band competition and was named Grand
 14 Champion Marching Band; and
 15 *Whereas*, the Albia Community High School Concert
 16 Band earned first place in the class A concert band
 17 competition; and
 18 *Whereas*, the Albia Community High School Drill Team
 19 Pom Pom Squad earned first place honors in the open
 20 class competition; and
 21 *Whereas*, the Albia Community High School Jazz Band
 22 earned third place honors and a superior rating in the
 23 open class competition; and
 24 *Whereas*, students from Albia Community High School
 25 who participated in the Orlando Festival of Music,
 26 through their hard work, dedication, and
 27 determination, brought renown and distinction to Albia
 28 Community High School, the City of Albia, and the
 29 State of Iowa; *Now Therefore*,
 30 *Be It Resolved By The House Of Representatives*,

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1 That students and teachers from Albia Community High
 2 School be congratulated and commended for their
 3 performance and honors at the Orlando Festival of
 4 Music in Orlando, Florida.
 5 *Be It Further Resolved*, That an official copy of
 6 this Resolution be prepared for presentation to
 7 students and teachers of Albia Community High School
 8 who participated in the musical competition.

HR 114 filed and adopted by the House on May 1, 1996.

SUPPLEMENT TO HOUSE JOURNAL

BILLS APPROVED, VETOED OR ITEM VETOED
SUSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills passed by the 1996 Regular Session of the Seventy-sixth General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 121 – Relating to the taping and broadcasting of certain high school athletic events. Approved 5-16-96.
- H.F. 400 – Relating to the joint purchasing of equipment by political subdivisions of the state. Approved 5-20-96.
- H.F. 455 – Relating to the filing of complaints with the board of educational examiners. Approved 5-16-96.
- H.F. 560 – Relating to the definition of “designated person” for purposes of the family farm tax credit and providing an effective and applicability date. Approved 5-30-96
- H.F. 570 – Relating to transfers of moneys from the interest for Iowa schools fund, renaming the center for gifted and talented education, and providing for properly related matters. Approved 5-2-96.
- H.F. 2234 – Relating to exempting certain nonresident aliens from land ownership restrictions. Approved 5-2-96.
- H.F. 2331 – Expanding the factors that a court and the state department of transportation may consider in ordering the issuance of a temporary restricted license, and providing an effective date. See Governor’s Veto Message.
- H.F. 2369 – Relating to the postdelivery care requirements for mothers and newborns. Approved 5-30-96.
- H.F. 2416 – Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, providing for legislative studies, providing an effective date, and other properly related matters. Approved 5-28-96 with the exception of Section 13, unnumbered and unlettered paragraph 3. See Governor’s Item Veto Message.
- H.F. 2421 – Relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, providing for certain procedures for revocation or suspension of drivers’ licenses for certain drug-related offenses, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations,

and providing an effective date. Approved 5-30-96 with the exception of Section 3, subsection 1, paragraph g; Section 9, subsections 1 and 2; Section 13, subsection 2, paragraph c, subparagraph 3, and paragraph e; designated portions of Section 26; Sections 35, 37, 42, 45, 46, 47, 48, 49, 53, subsection 2; Section 55, subsection 3; and Section 56. See Governor's Item Veto Message.

H.F. 2427 – Relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date. Approved 5-2-96.

H.F. 2458 – Relating to criminal and juvenile justice, including criminal corrections sanctions and criminal intelligence data and the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, conducting a study on legal representation for indigents, and by restricting the right to counsel for certain parents in child in need of assistance cases. Approved 5-17-96.

H.F. 2472 – Relating to and making appropriations to the justice system, creating a drug abuse resistance education surcharge, and providing effective dates. Approved 5-29-96 with the exception of Section 1, subsection 1 unnumbered and unlettered paragraph 2; Sections 25 and 26; Section 6, subsection 3; Section 7, subsection 8; Section 8, subsection 1; Sections 37, 39, and 40. See Governor's Item Veto Message.

H.F. 2477 – Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions. Approved 5-29-96 with the exception of Section 4; Section 6, subsection 1, unnumbered and unlettered paragraph 5; Section 12, subsection 1, paragraph e, unnumbered and unlettered subparagraph (2); Sections 13, 23, 30, 44, 45; and Section 55, subsection 2. See Governor's Item Veto Message.

H.F. 2481 – Relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty. Approved 5-30-96.

H.F. 2486 – Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated. Approved 5-15-96.

H.F. 2497 – Relating to the compensation and benefits for public officials and employees and making appropriations. Approved 5-30-96.

H.F. 2500 – Providing for the modification or termination of certain testamentary trusts by the court. Approved 5-15-96.

- S.F. 454 – Relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties. Approved 5-17-96.
- S.F. 2140 – Increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date. Approved 5-16-96.
- S.F. 2147 – Increasing the membership of the Iowa telecommunications and technology commission, providing for matters relating to the authority and duties of the commission, and providing an effective date. Approved 5-30-96.
- S.F. 2153 – Relating to Iowa law enforcement officer certification by the Iowa Law Enforcement Academy. Approved 5-30-96.
- S.F. 2195 – Relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates. Approved 5-10-96 with the exception of Section 2, subsections 5 and 6. See Governor's Item Veto Message.
- S.F. 2245 – Relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates. Approved 5-10-96 with the exception of Section 32. See Governor's Item Veto Message.
- S.F. 2265 – Relating to domestic relations including the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date. Approved 5-20-96.
- S.F. 2370 – Relating to energy efficiency programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date. Approved 5-20-96.
- S.F. 2372 – Relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property. Approved 5-30-96.
- S.F. 2409 – Relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, and by establishing a workforce development board and regional advisory boards. Approved 5-2-96.
- S.F. 2442 – Relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates. Approved 5-29-96 with the exception of Section 3, subsection 10; Section 4, subsection 3; Section 6, subsection 10; Section 6, subsections 12 and

- 13; Section 11, subsection 5; Section 20, unnumbered and unlettered paragraph 2; Section 22, subsection 2, paragraph a; Section 23; Section 25, subsection 11; Section 28, subsections 3 and 6; Sections 29, 31, 35, 38, and 40. See Governor's Item Veto Message.
- S.F. 2446 – Relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates. Approved 5-29-96 with the exception of Section 1, subsection 3; Section 11, subsections 2, 3, and 4; subsection 5, paragraph a, and subsections 6 and 7. See Governor's Item Veto Message.
- S.F. 2448 – Relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date. Approved 5-28-96 with the exception of Section 2, unnumbered and unlettered paragraph 3; and Section 8. See Governor's Item Veto Message.
- S.F. 2449 – Changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of shareholders of certain subchapter S corporations; increasing the amount of the appropriations for homestead credit, military service credit, and low-income elderly and disabled credit and reimbursement claims; providing tax credits for livestock production; increasing the regular program foundation base level under the school aid program; requiring full funding for certain property tax credits; and providing effective and applicability date provisions. Approved 5-29-96 with the exception of Sections 7, 8, 9, 10, 11, 12, and 25. See Governor's Item Veto Message.
- S.F. 2464 – Relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective and applicability dates. Approved 5-30-96 with the exception of Sections 33 and 34. See Governor's Item Veto Message.
- S.F. 2470 – Relating to public levy, expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates. Approved 5-30-96 with the exception of Section 14, subsections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19; Sections 17, 41, 53, 63, 66, 67, 68, 69; Section 78, subsection 2, paragraph d; Section 78, subsection 3, paragraph f; Section 78, subsection 5, paragraph a; Section 83; Section 86, unnumbered and unlettered paragraph 1, and subsection 7, paragraph a, unnumbered and unlettered subparagraph (1); Section 88, subsections 1 and 2. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGES

May 30, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

House File 2331, an act expanding the factors that a court and the state department of transportation may consider in ordering the issuance of a temporary restricted license, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 2331 grants new discretion to judges to give temporary restricted drivers licenses to the most serious offenders of our drunk driving laws. Currently persons who are convicted of drunk driving three or more times, or who kill or injure someone while driving drunk are subject to a mandatory revocation of their licenses for a specified period of years, e.g. six years for a third time offender. While the law generally prohibits these persons from driving during their revocation period, they may go back to court after the period of "hard" revocation ends, and request a temporary restricted license. Current law limits use of a temporary restricted license by these offenders to employment. This bill expands the purposes for which a temporary restricted license could be issued to them, thereby significantly increasing their opportunities to drive.

I certainly appreciate the inconvenience caused to someone who can not drive themselves to and from places where they need to be for a host of good reasons. However, we must not forget that these are the individuals whose driving privileges have been revoked because they have habitually driven drunk or, as a result of their decision to drive drunk, have caused serious injury or death to another.

These are the people who just don't get it. They haven't yet learned that you don't drink and drive.

The seriousness of their offenses and their absolute disregard for the safety of others requires a strict response, which current law provides. These are the people who create the greatest hazard on our highways. They are responsible for the deaths and injuries of more than 3000 people on Iowa roads every year. They do not deserve the leniency this legislation would provide. The current restriction, limiting their use of a temporary restricted license for employment purposes only, is appropriate. The safety of Iowans should not be placed in jeopardy by being too lenient with habitual drunk drivers.

For the above reasons, I hereby respectfully disapprove House File 2331.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 30, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 2421, an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, providing for certain procedures for revocation or suspension of drivers' licenses for certain drug-related offenses, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date.

House File 2421 is among the most significant actions of the Second Session of the Seventy-Sixth General Assembly. It implements one of the cornerstones of my budget and program recommendations: the creation of a large-scale vertical infrastructure fund, supported by two dedicated funding streams. These dedicated funding streams consist of interest from reserves, and gambling receipts above a certain threshold level. With adoption of this concept, Iowa is clearly positioned to become the best-managed state in the nation.

Unfortunately, the General Assembly went beyond what is prudent from a budgeting standpoint, and adopted language that would increase the amount of resources diverted into the Rebuild Iowa Infrastructure Fund in each of the next three years. I believe this is a dangerous budgeting practice. Many financial commitments have already been enacted that will be phased in over the next several years. Unfortunately, as was clearly evidenced this session, the future budget impact of these past commitments tends to be ignored in the legislative process as budget decisions are made in any given year. I cannot approve the creation of yet another such commitment which could jeopardize the state's financial well-being. I will sign that portion of the legislation that dedicates a steady stream of revenue to the Rebuild Iowa Infrastructure Fund, resulting in about \$75 million per year being available for infrastructure projects.

I am also disappointed the General Assembly failed to adopt my recommendation to create a board to set policy and recommend projects for infrastructure funding. Lacking a rational plan or process for prioritizing projects, the result is porkbarrel spending and use of infrastructure funds for clearly inappropriate purposes. This year, the General Assembly shifted more than \$5 million of ongoing general fund spending into the Rebuild Iowa Infrastructure Fund, including 17 staff from the Department of Human Services. These are funds that, instead, should have been used to address Iowa's critical infrastructure needs.

House File 2421 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 1, paragraph g, in its entirety. This item makes a specific appropriation for the state highway system. The section is redundant because the standing appropriation in Iowa Code Section 313.4 already provides on an ongoing basis funding for the construction, reconstruction and maintenance of the state highway system.

I am unable to approve the items designated as Section 9, subsections 1 and 2, in their entirety. These items would provide funding for capital improvements at community colleges, including the construction of a rural heritage center and for maintenance and improvement of institutional roads. It would be inappropriate to create a precedent of funding community college infrastructure needs from the Rebuild Iowa Infrastructure Fund. Moreover, in the case of institutional roads, another funding source already exists to address these needs.

I am unable to approve the item designated as Section 13, subsection 2, paragraph c, subparagraph 3, in its entirety. This item would appropriate \$1.6 million for the construction of a tunnel between the Old Historical Building and the State Capitol. Because the plan for the reconfiguration of space in the Capitol has not been finally determined, it is unclear at this time whether the tunnel will be needed.

I am unable to approve the designated portion of Section 13, subsection 2, paragraph e, which states the intent of the General Assembly to use the first and second floors of the Lucas state office building primarily for the Legislature and staff. Current plans indicate that all of the first floor, but a portion of the second floor of the Lucas building will be needed for these purposes. I urge the Department of General Services to continue to work with the General Assembly to assure that space needs are met.

I am unable to approve the designated portions of Section 26. These items would divert gambling receipts to the Rebuild Iowa Infrastructure Fund. I support the concept of dedicating gambling proceeds to the infrastructure fund; in fact it was my proposal to do so. However, I cannot support ever-increasing levels of funding in future years, thereby placing the budget again on automatic pilot. The result of my action will be to assure a steady flow of funds from gambling receipts above \$60 million to address infrastructure needs. When combined with the dedication of interest earnings on the state's reserve funds, about \$75 million per year will be available in this fund, representing a significant commitment by any measure. After an infrastructure board has been created and has developed a long-range plan, future general assemblies could increase the level of spending for infrastructure needs, depending on the state's fiscal condition.

I am unable to approve the item designated as Section 35, in its entirety. This item would subject the Department of Transportation's transportation policy and plan to approval, modification or rejection by the General Assembly. This would be an unacceptable level of intrusion by the Legislature in a matter that is the responsibility of the transportation commission.

I am unable to approve the item designated as Section 37, in its entirety. This item would make a standing of \$1 million appropriation for bicycle trails from the Rebuild Iowa Infrastructure Fund. Elsewhere in this bill I have signed a provision to provide \$1 million for this purpose in fiscal year 1997. I believe an annual decision is appropriate so that current needs and current resources can be taken into account.

I am unable to approve the item designated as Section 42, in its entirety. This item would require agencies of state government receiving indirect cost reimbursement from the Road Use Tax Fund, Primary Road Fund, motor vehicle use tax receipts and motor fuel taxes, to instead request a general fund appropriation beginning in fiscal year 1998. This amounts to a \$7.1 million built-in increase in the general fund budget for fiscal year 1998. Moreover, it is appropriate for these agencies to be reimbursed for the indirect costs associated with providing services to the entities supported from these sources.

I am unable to approve the item designated as Section 45, in its entirety. This item creates a vertical infrastructure definition task force, and specifies its membership. A definition is already included in the bill, therefore, a task force for this purpose is unnecessary.

I am unable to approve the item designated as Section 46, in its entirety. This item requests the legislative council to study the issue of creating a board to evaluate and prioritize the expenditure of money from the Rebuild Iowa infrastructure Fund and to study the issue of creating a financing mechanism to assist local governments with local infrastructure needs. I will instead be asking the Fisher Commission to review the question of board membership. In addition, the concept of using the state infrastructure fund for local infrastructure needs is not appropriate and, therefore, should not be encouraged through such a study.

I am unable to approve the item designated as Section 47, in its entirety. This item requests the legislative council to create an interim committee to undertake a study relating to changes in the approval requirements for local bonding referendums. I do not support an effort to reduce the approval requirements for local bonding referendums. Other options to deal with local infrastructure needs should be explored.

I am unable to approve the item designated as Section 48, in its entirety. This item would require the Department of General Services to study the feasibility of relocating various areas of state government until 50 percent of the projected off complex space needs are in areas outside Des Moines. The concept behind this requirement is laudable. However, the language has been crafted without the benefit of data about current space arrangements, and needs to be more thoroughly thought out before such a requirement is imposed.

I am unable to approve the item designated as Section 49, in its entirety. This item would provide a contingent general fund appropriation in the event that revenues to the Rebuild Iowa Infrastructure Fund are insufficient to finance all of the projects contained in the bill. It would be inappropriate to further burden the general fund for what is already a major commitment to infrastructure. Because of other item vetoes in this bill, it is estimated that all remaining projects will be fully funded without this general fund appropriation.

I am unable to approve the designated portion of Section 53, subsection 2. This item would allow the Department of Economic Development to be reimbursed from the Iowa comprehensive petroleum underground storage tank fund for any costs incurred on a site contaminated by a leaking underground storage tank. The language is overly broad in that it would allow reimbursement for costs unrelated

to environmental clean-up, and could expose the fund to potentially unlimited liability.

I am unable to approve the designated portion of Section 55, subsection 3. This item would subject all loan guarantees, irrevocable letters of credit and indemnification for liability agreements provided under the physical infrastructure assistance fund to approval by the legislative fiscal committee. This is an unacceptable level of involvement by the General Assembly in the administration of government.

I am unable to approve the item designated as Section 56, in its entirety. This item would earmark the first \$200,000 from the hazardous substances remedial fund into the physical infrastructure assistance fund. The other appropriations in this bill, totaling \$ 10 million, should be sufficient to carry out the purposes of the fund.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2421 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 28, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2416, an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, providing for legislative studies, providing an effective date, and other properly related matters.

House File 2416 is therefore approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 13, unnumbered and unlettered paragraph 3, in its entirety. This item would require the Department of Management to set staffing targets for agencies in terms of full-time equivalents rather than in terms of head counts. The executive branch should maintain flexibility to use reporting formats that best meet its management needs.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2416 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 29, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2472, an act relating to and making appropriations to the justice system, creating a drug abuse resistance education surcharge, and providing effective dates.

House File 2472 is therefore approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 1, unnumbered and unlettered paragraph 2, and Sections 25 and 26, in their entirety. These items would establish and fund a new office within the Attorney General's office to assist with veteran-related issues. The proposed duties of the office are among the services already performed by the Commission on Veterans Affairs and the county Commissions of Veterans Affairs. We should be doing all we can to support our veterans and to assure they receive the assistance they deserve. It appears, however, that this new office would merely duplicate services provided by existing agencies, and for that reason should not be approved. As a result of this action, the \$50,000 appropriated for this purpose will remain unspent and will revert to the general fund at the end of the fiscal year that begins on July 1, 1996, and ends on June 30, 1997.

I am unable to approve the item designated as Section 6, subsection 3, in its entirety. This item would require the Department of Corrections to study and report on the need for a super-maximum security facility. Funding is provided in this bill to remodel Cellhouse 17 in Fort Madison making more maximum security prison space available to house some of our most dangerous offenders. Until the impact of the Fort Madison Cellhouse remodeling is done and can be properly evaluated, it would be premature to plan for the development of a super-max facility.

I am unable to approve the item designated as Section 7, subsection 8, in its entirety. This item would appropriate \$278,000 for prison related-costs that is in addition to funding provided for the same purposes elsewhere in the bill. The funding otherwise provided is at a level consistent with my budget recommendations and is adequate to cover the department's needs.

I am unable to approve the item designated as Section 8, subsection 1, paragraph j, in its entirety. This item would provide \$ 100,000 more for Corrections' programs than was recommended in my budget. The funding otherwise provided in the bill is adequate to cover the costs of the programs.

I am unable to approve the item designated as Section 37, in its entirety. This item would direct the Iowa League of Cities and the Iowa State Association of Counties to review and make recommendations relating to law enforcement training

programs. This process would duplicate efforts already being made by the Iowa Law Enforcement Academy to review the training programs and to make recommendations for necessary changes. I have been assured that all organizations having an interest in the programs will be consulted in the course of the ILEA's review.

I am unable to approve the items designated as Sections 39 and 40, in their entirety. These items would establish a multi-layered task force to review crime and corrections issues and provide funding in the amount of \$150,000 to support it. The process proposed in the bill is cumbersome and costly, and would not produce the best recommendations within the given time frame.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2472 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 29, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2477, an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions.

House File 2477 is therefore approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 4. This item would fund four new programs with dollars from the Tuition Grant program. The funds that would be used to begin these programs are available for one year only. While these programs have merit, I strongly support the Tuition Grant Program and believe that it is wrong to divert these resources. The tuition grant funds are needed and should remain available to help students with financial need to attend Iowa independent college and universities.

I am unable to approve the item designated as Section 6, subsection 1, unnumbered and unlettered paragraph 5, in its entirety. This item would require the Department of Education to embark on a time-consuming review of all departmental recommendations to the Legislature since 1980 and reporting on the legislature's success and failures in implementing them. This assignment would be more appropriately directed to legislative staff.

I am unable to approve the item designated as Section 12, subsection 1, paragraph e, unnumbered and unlettered subparagraph 2, in its entirety. This item directs the Board of Regents to consider relocating the graduate centers under its control. Location of the centers is clearly a governance issue and should be decided by the State Board of Regents.

I am unable to approve the item designated as Section 13, in its entirety. This item would earmark the proceeds from indirect overhead reimbursements to be used exclusively for building repairs. Redirecting these funds could compromise future negotiations and research contracts with the federal government on indirect costs rates. The universities have been fairly conservative in budgeting for indirect cost recoveries. This policy is wise in view of the many uncertainties at the federal level both in terms of provisions of research funds and the rates for indirect cost recoveries that are allowed. The funds should be used for the purposes for which they are received.

I am unable to approve Section 23, in its entirety. This item would prohibit the FINE Foundation from using noncash contributions to satisfy the foundation's match requirement to receive funds from the Interest for Iowa Schools Fund. A review of the source and amount of funding necessary to support the Foundation is called for in section 9 of the bill. It would be premature to approve any changes in funding until the review is completed.

I am unable to approve the designated portion of Section 30. This item would allow community college cash reserve funds to be used for purposes other than temporary cash shortages. The purpose for the cash reserves is to alleviate temporary cash shortages and the reserves should remain available for that purpose or be returned to the property tax payers of the community college district.

I am unable to approve Section 44, in its entirety. This item would require the Regents' institutions to report annually the purposes for which certain indirect cost recovery receipts are used. This information is available and has been provided when requested, therefore it is not necessary to impose an annual reporting requirement on the institutions.

I am unable to approve Section 45, in its entirety. This item would establish requirements for purchases of Prison Industry products by the Regents' that are different than those applying to all other agencies. All state agencies are encouraged to purchase and use Prison Industry products whenever possible. Any exceptions to such purchases should apply in the same way across state government.

I am unable to approve Section 55, subsection 2, in its entirety. This item would appropriate funds out of Phase I teachers' salary dollars to pay for the costs of a new program which was not recommended in my budget. These resources should rather be used for their intended purpose of improving the competitiveness of beginning teachers' salaries.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2477 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 10, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2195, an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates.

Approval of this bill means that work can immediately proceed on connecting an additional 110 video classroom sites. This work represents the second year of a four-year commitment to construct Part III of the network.

Senate File 2195 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 5, in its entirety. This item appropriates \$220,000 for a spare parts depot. This amount exceeds the \$450,000 recommended in my budget and approved by the General Assembly which includes funding for the same purpose. The funding otherwise provided in the bill is sufficient.

I am unable to approve the item designated as Section 2, subsection 6, in its entirety. This item would provide for the purchase of new computers for a regional scheduling system. I support the concept of a regional scheduling system, however, I do not believe that new computers are needed for every new application. This effort can proceed without the additional \$110,000 in funding.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2195 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 10, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2245, an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

Senate File 2245 is therefore approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 32, in its entirety. This provision is unnecessary and discriminatory. The Legislature appropriately removed the covered wage ceiling for all members in the IPERS system. However, this provision permanently reduces the value credited to members' salary increments above a set arbitrary amount. In doing so, it unnecessarily discriminates against those members by prohibiting them from receiving full value of their wages in the calculation of their retirement benefits.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2245 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 29, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2442, an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Senate File 2442 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 10, in its entirety. This item would require the Department of Human Services to expand its "pay and chase" policies relating to third-party reimbursements for pharmacy services to include all pharmacy claims involving third-party payors. The projected first year cost for this item is \$345,000 which is not included in any appropriations made to the department for the next fiscal year.

I am unable to approve the item designated as Section 4, subsection 3, in its entirety. This item directs the Department of Human Services to include specific terms and conditions in all future contracts negotiated under the Medicaid program. It is appropriate for the legislature to expect the department to negotiate contracts which provide the needed services at the best price for Iowa taxpayers, and to hold the department accountable for the quality and costs of those services. However, to assure that the goals of quality and cost-effectiveness are accomplished, the department must retain the flexibility necessary to negotiate the specific details of the contracts.

I am unable to approve the item designated as Section 6, subsection 10, in its entirety. This item appropriates \$20,000 to the Department of Human Services to study child care issues, including the development of "volunteer evaluation teams"

to inspect registered family day care homes. The department has adequate resources to review the state's policies relating to child care, including the most appropriate system to evaluate the quality of care provided by registered family day care homes. As a result of this action, this \$20,000 will remain unspent and will revert to the general fund at the end of the fiscal year that begins on July 1, 1996 and ends on June 30, 1997.

I am unable to approve the item designated as Section 6, subsection 12, in its entirety. This item would create an entitlement for certain persons to receive child care assistance. Establishing child care services as an entitlement for certain persons is inconsistent with long-standing state policy and would treat some persons differently than others in the receipt of child care services.

I am unable to approve the item designated as Section 6, subsection 13, in its entirety. This item would roll forward and reappropriate unspent fiscal year 1996 child care dollars to be used in fiscal year 1997. Additional funding in the amount of \$4.6 million is provided for child care in this bill, an amount that doubles current state spending for child care assistance. With this increase, over \$36.2 million will be available in fiscal year 1997 to address the child care needs of low income Iowans.

I am unable to approve the designated portion of Section 11, subsection 5. This item would provide an additional \$115,000 for the Healthy Families program. I included in my budget recommendations an increase of \$285,000 for the Healthy Families program, making a total of \$952,000 available for the program in fiscal year 1997. The additional funding recommended in my budget is included in House File 2448, which I have already approved. As a result of this action, this \$115,000 will remain unspent and will revert to the general fund at the end of the fiscal year that begins July 1, 1996 and ends on June 30, 1997.

I am unable to approve the designated portion of Section 20, unnumbered and unlettered paragraph 2. This item would assign responsibilities to one division within the Department of Human Services under the authority granted to another in the Iowa Code. A veto of this provision will avoid possible confusion and problems in implementing the pilot program funded in this section.

I am unable to approve the item designated as Section 22, subsection 2, paragraph a, in its entirety. This item would prohibit the Department of Human Services from taking action in response to federal legislation affecting the operation and funding of its programs without specific authority from the legislature to do so. This provision would make it nearly impossible for the department to respond to unanticipated action by Congress at times when the legislature is not in session.

I am unable to approve the designated portion of Section 23. This item would appropriate \$75,000 to the legislative council to study the structure and functions of the Department of Human Services. While a legislative review of the department's organization and responsibilities is appropriate, an appropriation to support the effort is unnecessary.

I am unable to approve the item designated as Section 25, subsection I 1, in its entirety. This item would require the Department of Human Services to negotiate with certain service providers revisions to the department's rules relating to reimbursement for their services. While the goals of simplifying the reimbursement

process and reducing paperwork for providers are laudable and should be accomplished, the third goal of increasing the reimbursement rate by departmental rule without providing an accompanying appropriation is fiscally irresponsible and can not be approved.

I am unable to approve the designated portion of Section 28, subsection 3. This item would require the Department of Human Service and the Department of Management to include specific recommendations in their fiscal year 1998 budgets. This requirement exceeds the authority of the legislature in the budgeting process and for that reason can not be approved.

I am unable to approve Section 28, subsection 6, in its entirety. This item would impose certain procedural requirements on the Department of Human Services in its planning for the state hospital schools and mental health institutes. The state's practice is to make adjustments at the institutions only after appropriate placements in the community have been found for the residents. Therefore, the procedure provided in this subsection is unnecessary.

I am unable to approve the item designated as Section 29, in its entirety. This item would direct the Department of Human Services to develop a plan for meeting national standards for social worker caseloads. Social workers' duties vary from state to state and the differences are often related to the technology available to workers in performing their tasks. New technologies are being implemented on a continuous basis to make it possible for Iowa workers to work more efficiently and effectively. Also, services that may be included as part of a social worker's duties in other states are contracted out in Iowa. Given these variances, national standards can not be directly applied to Iowa's experience.

I am unable to approve the item designated as Section 31, in its entirety. This item would require the Department of Human Services to consult with rehabilitation treatment providers in a review of the requirements and process relating to financial and statistical accountability reporting. While I support efforts to simplify and streamline the reporting requirements and process, the time frame for implementation provided in this section is unrealistic and can not be approved.

I am unable to approve the designated portion of Section 35. This item would allow an exception to be granted for group foster care placement when the budget targets would be exceeded if alternative services would be more costly and more restrictive than the proposed placement. While I support the goal of providing appropriate services at the lowest cost for Iowa taxpayers, I am not convinced that the policy change proposed here can be accomplished without creating a deficit situation in the department's budget.

I am unable to approve the item designated as Section 38, in its entirety. This item would create a new program to begin July 1, 1997, having an estimated ongoing cost in excess of \$1.75 million. This proposal requires more review by the legislature, with special consideration given to the potential cost of the program, before it can be approved.

I am unable to approve the item designated as Section 40, in its entirety. This item would change the dates mental health property tax relief payments are due, which will result in a cost to the state of \$1 million in lost interest income.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2442 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 29, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2446, an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates.

Senate File 2446 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Section 1, subsection 3, paragraph a, subparagraph 2, and Section 1, subsection 4, paragraph a, subparagraph 2, in their entirety. These items would fund two new positions in the Department of Agriculture and Land Stewardship which were not included in my budget recommendations.

I am unable to approve Section 11, subsections 2, 3, and 4, subsection 5, paragraph a, and subsections 6 and 7, in their entirety. These items make appropriations from the Organic Nutrient Management Fund for variety of purposes. The Organic Nutrient Management Fund was established to provide financial incentives to establish livestock manure management systems, to facilitate the proper utilization of livestock manure as a nutrient source, and to protect water resources from livestock runoff. The vetoed items fall outside the intended purposes of the fund.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2446 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 28, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2448, an act relating to and making appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Governor's Alliance on Substance Abuse, the Iowa Department of Public Health, the Department of Human Rights, the Commission of Veterans Affairs, and providing an immediate effective date.

Senate File 2448 is therefore approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, unnumbered and unlettered paragraph 3, in its entirety. This item would restrict the Iowa Civil Rights Commission in effectively enforcing Iowa's anti-discrimination laws by reducing the maximum fine that could be assessed for first time violations detected during a random test. Information received from the U.S. Department of Housing and Urban Development indicates this restriction would negatively affect the Commission's ability to contract with and obtain grants from HUD. It could also impact the Commission's continued certification as a 'substantially equivalent agency' under the Fair Housing Act.

I am unable to approve the item designated as Section 8, in its entirety. This item would appropriate the balance remaining in the Gamblers Treatment Fund at the end of this fiscal year for other purposes in fiscal year 1997. This is yet another example of a bad budgeting practice in that it would fund ongoing programs from a one-time revenue source. As a result of this action, these funds will remain in the Gamblers Treatment Fund to be used to treat the increasing number of persons with gambling addictions.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2448 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 29, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2449, an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of shareholders of certain subchapter s corporations; increasing the amount of the appropriations for home-stead credit, military service credit, and low-income elderly and disabled credit and reimbursement claims; providing tax credits for livestock production; increasing the regular program foundation base level under the school aid program; requiring

full funding for certain property tax credits; and providing effective and applicability date provisions.

Senate File 2449 represents the second year of a major commitment to reduce the tax burden for Iowa families and businesses. Following up on last year's \$100 million reduction, this bill contains an additional \$90 million of actual tax reductions in fiscal year 1997. The value of these reductions will grow in the future.

I am especially pleased that Iowa's income tax rates will now be fully indexed to inflation, as I had recommended, so that Iowans will not be pushed into higher tax brackets simply as a result of inflationary growth in their incomes. Also, Iowa's competitive position will be enhanced as a result of changes in the taxation of certain Subchapter S corporations. While this action does not totally remove the inequity in the way that Iowa Sub-S corporations are treated, it does begin to remove the disincentive for a Sub-S corporation to locate or expand in Iowa. Tax changes for smaller cow-calf operations will also enhance Iowa's economic growth.

Most significantly, Senate File 2449 will decrease the tax burden for property taxpayers by enhancing the state's share of K-12 school funding. An increase in the program foundation base level from 83 percent to 87.5 percent will result in annual property tax savings of \$85 million.

Senate File 2449 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Sections 7, 8, 9, 10, 11 and 12, in their entirety. These items would provide for full funding of certain property tax credits. While property tax payers already enjoy the full benefit of the homestead, military and the elderly or disabled tax credits, the cost to local governments of providing these credits is not currently fully reimbursed by the state. These sections would appropriate a total of \$22.5 million to local governments.

While the concept of full funding for these tax credits has been characterized as property tax relief, in fact there is no assurance of property tax relief. Local budgets for fiscal year 1997 have already been set, meaning none of these funds would be used for tax relief this year. Future tax relief would depend on what each local government chooses to do with the additional funds. I feel there are better alternatives to changing Iowa's property tax system, and instead invite local governments to join in a more comprehensive review aimed at making the overall system simpler, more predictable, and giving local governments greater flexibility in their budgets.

I am unable to approve the item designated as Section 25, in its entirety. This item provides that if the state ever fails to fully fund a property tax credit in the future, the local government may reduce the amount of credit to the taxpayer in an amount equivalent to the shortfall. This action would place the taxpayer at a permanent disadvantage, when the taxpayer, instead, should be protected.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2449 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 30, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2464, an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective and applicability dates.

Senate File 2464 is a significant accomplishment of the Seventy-Sixth General Assembly, containing many of the recommendations that I made to enhance the ability of local communities to provide for quality, affordable housing. Among other provisions, the bill expands the real estate improvement district program from six counties to the entire state, provides additional flexibility in Iowa's Tax Increment Financing (TIF) law for residential development and gives local governments a variety of tools to expedite the process of dealing with vacant or dilapidated housing stock. In addition, a \$1 million appropriation is provided to assist cities and counties in organizing housing councils to conduct housing needs assessments and develop pro-active housing strategies and actions tailored to the needs of the community. Together, this set of tools will enable local communities to eliminate what has been one of the state's most significant barriers to economic development.

Senate File 2464 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Sections 33 and 34, in their entirety. Beginning in fiscal year 1998, Section 34 would divert \$5.1 million from the general fund into the housing improvement fund, and Section 33 specifies how a portion of these new funds are to be spent. If the General Assembly wishes to enhance spending for housing, it should do so in a straight forward manner through a general fund appropriation rather than through an earmarking of receipts. Because these sections would not take effect until fiscal year 1998, this item veto will have no impact on our ability to address housing needs this year.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2464 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 30, 1996

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2470, an act relating to public levy, expenditure, and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

Senate File 2470 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Section 14, subsections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, in their entirety. These items make numerous appropriations from a one-time source of fiscal year 1995 lottery funds. With the exception of subsection 2 which I have approved, all of this spending is for items beyond what was included in my budget recommendations. It is in the state's financial interest to keep spending as low as possible. In addition, many of these items are for ongoing expenses that are inappropriately funded from a one-time source. As a result of these item vetoes, total state spending will be reduced by \$2.1 million.

I am unable to approve the item designated as Section 17, in its entirety. This item would provide that, in determining the amount of lottery revenues to be transferred to the general fund each month, not more than \$1.5 million could be retained by the lottery fund. The Iowa Lottery, the Iowa Department of Justice and the State Auditor have all raised concerns about this language, suggesting the Iowa Lottery would be unable to pay prize winnings on a timely basis and possibly result in reporting negative retained earnings. Moreover, the Multi-State Lottery Association advises the Iowa Lottery would be expelled from the Multi-State Lottery Association and be prohibited from participating in Powerball, a \$1.25 billion per year sales organization headquartered in Iowa. As a result of this item veto, an estimated \$1.35 million of spending contained in Section 15 of this bill will not occur.

I am unable to approve the item designated as Section 41, in its entirety. This item would provide a fiscal year 1996 supplemental appropriation of \$200,000 for the State Hygienic Laboratory to conduct analyses of test samples for alcohol or controlled substances. This provision was added to the bill in anticipation of the passage of an employee drug testing bill. The bill did not pass and therefore the appropriation is unnecessary.

I am unable to approve the item designated as Section 53, in its entirety. This item provides a \$70,000 appropriation to the E911 communications council. This is spending beyond the level recommended in my budget.

I am unable to approve the item designated as Section 63, in its entirety. This item greatly expands the membership of county joint E911 boards at a time when most counties report difficulty in having a quorum of members present under the current membership requirements. Expanding membership to include political subdivisions that have no direct responsibilities for E911 services would reduce the ability of these service boards to carry out their duties, and for this reason should not be approved.

I am unable to approve the items designated as Sections 66, 67, 68 and 69, in their entirety. These items relate to a new runaway treatment program. According to the House Co-Chair of the Appropriations Committee, the funding for this

program was struck, but the language creating the program was inadvertently left in the bill. Without the appropriation, the program provisions in Sections 66 through 69 are meaningless.

I am unable to approve the designated portions of Section 78, subsection 2, paragraph d. This item would impose a new wage requirement for all projects funded through the Community Economic Betterment Account (CEBA) Program. Ironically, the effect of this language would be to lower the wage requirement for eligibility in the larger cities and increase the wage requirement in rural areas where new jobs are most critically needed. It would damage development efforts in our rural areas while increasing the eligibility of lower wage projects in the more populous counties. The Department of Economic Development Board voted unanimously to oppose this provision and feels strongly it is not workable in its current form. The Board should be complimented on the progress it has made in raising the average wage of CEBA projects, and I am confident it will continue to make additional progress in the future.

I am unable to approve the item designated as Section 78, subsection 3, paragraph f, in its entirety. This item appropriates \$50,000 to councils of government for distribution on a per capita basis. This is spending beyond the level recommended in my budget.

I am unable to approve the designated portion of Section 78, subsection 5, paragraph a. This item earmarks \$100,000 from tourism operations for a grant program for annual community celebrations of Iowa's agricultural heritage. The practice of special-interest earmarking should be discouraged. As a result of this action, this \$ 100,000 will remain unspent and revert to the general fund at the end of the fiscal year that begins on July 1, 1996 and ends on June 30, 1997.

I am unable to approve the item designated as Section 83, in its entirety. This item requires the Iowa Seed Capital Corporation to cease making new investments and to transfer its portfolio to private sector management on June 30, 1997. I believe the Iowa Seed Capital Corporation needs to be reconfigured and moved to private sector management. However, the timetable provided in the bill may be too short to allow for adequate consideration of all options for accomplishing this change in a manner that best meets the full range of state objectives.

I am unable to approve the designated portion of Section 86, unnumbered and unlettered paragraph 1. This item would authorize the legislature to be involved in decisions relating to the staffing and organization of the Department of Workforce Development. Decisions concerning the personnel needs and structure of the department fall properly within the discretion of the director of the department. Legislative attempts to encroach into matters that are the prerogative of the executive branch cannot be approved.

I am unable to approve the designated portion of Section 86, subsection 7, paragraph a, unnumbered and unlettered subparagraph 1. This item would earmark \$800,000 from the youth conservation corps for a summer youth program in one city. The practice of special-interest earmarking should be discouraged. As a result of this action, this \$800,000 will remain unspent and revert to the general fund at the end of the fiscal year that begins on July 1, 1996 and ends on June 30, 1997.

I am unable to approve the items designated as Section 88, subsections 1 and

2, in their entirety. These items relate to the operations of workforce development centers and the management of workers' compensation hearings. These items would allow the legislative branch to interfere in decisions that are best made by the director of the Department of Workforce Development and for that reason, can not be approved.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2470 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

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(See BLODGETT, GARY—Representative **Cerro Gordo** County, Assistant Majority Leader)
- Chuck Gipp—Representative **Allamakee-Winneshiek** Counties
(See GIPP, CHUCK—Representative **Allamakee-Winneshiek** Counties, Assistant Majority Leader)
- Christopher C. Rants—Representative **Woodbury** County
(See RANTS, CHRISTOPHER C.—Representative **Woodbury** County, Assistant Majority Leader)
- Bob Renken—Representative **Butler-Grundy** Counties
(See RENKEN, BOB—Representative **Butler-Grundy** Counties, Assistant Majority Leader)
- Dick Weidman—Representative **Cass-Montgomery-Pottawattamie** Counties
(See WEIDMAN, DICK—Representative **Cass-Montgomery-Pottawattamie** Counties, Assistant Majority Leader)

ASSISTANT MINORITY LEADERS

- John H. Connors—Representative **Polk** County
(See CONNORS, JOHN H.—Representative **Polk** County, Assistant Minority Leader)
- Pam Jochum—Representative **Dubuque** County
(See JOCHUM, PAM—Representative **Dubuque** County, Assistant Minority Leader)
- Michael J. Moreland—Representative **Wapello** County
(See MORELAND, MICHAEL J.—Representative **Wapello** County, Assistant Minority Leader)
- Dick Myers—Representative **Johnson** County
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BLODGETT, GARY—Representative **Cerro Gordo** County, Assistant Majority Leader

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BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See **APPOINTMENTS** and/or **COMMUNICATIONS FROM**, subheading Reports and/or **INDIVIDUAL HEADINGS**)

BODDICKER, DAN—Representative **Cedar-Clinton-Jones** Counties

Amendments filed—147, 313, 779, 953, 954, 982, 1002, 1082, 1281, 1282, 1323, 1403, 1451, 1491, 1731
 Amendments offered—363, 621, 853, 1332, 1333, 1377, 1485, 1491
 Amendment withdrawn—363
 Bills introduced—36, 66, 96, 264, 292, 295, 314, 376, 440, 458
 Committee appointment—1630
 Leave of absence—291, 1087, 1396, 1762
 Presided at sessions of the House—94, 1931
 Reports—730, 742-754, 1733-1735
 Resolutions offered—1597, 1730
 Subcommittee assignments—49, 62, 63, 78, 83, 151, 289, 301, 302, 312, 372, 386, 465, 466, 481, 482, 495, 607, 628, 734, 829, 890, 891, 923

BOGGESE, EFFIE LEE—Representative **Adams-Page-Taylor** Counties

Amendments filed—593, 1451
 Amendment offered—912
 Bills introduced—51, 76, 118, 119, 264, 292, 295
 Resolution offered—1730
 Subcommittee assignments—341, 342

BRADLEY, CLYDE—Representative **Clinton-Scott** Counties

Amendments filed—452, 501, 549, 674, 735, 780, 1002, 1129, 1538, 1732, 1918
 Amendments offered—293, 636, 1310, 1311, 1738
 Amendment withdrawn—636
 Bills introduced—66, 76, 96, 112, 118, 119, 264, 295, 305, 337, 349, 440
 Committee appointments—53, 1692
 Explanation of vote—730, 1447, 1536
 Leave of absence—1407

Report—2044-2061

Resolutions offered—333, 1597, 1641, 2066

Subcommittee assignments—48, 49, 72, 302, 387, 430, 516, 546, 607, 668, 777, 829, 890, 891

BRAMMER, PHILIP E.—Representative **Linn** County

Amendments filed—520, 630, 671, 893, 894, 955, 956, 1002, 1003, 1022-1037, 1129, 1267, 1268-1271, 1283

Amendments offered—530, 1022, 1243, 1268

Bills introduced—91, 92, 239, 574, 895

Leave of absence—120, 131

Resolution offered—927

Subcommittee assignments—88, 110, 144, 162, 289, 432, 606, 628, 1127

BRAND, WILLIAM J.—Representative **Benton-Black Hawk-Tama** Counties

Amendments filed—146, 147, 424, 507, 571, 592, 670, 671, 672, 673, 955, 956, 978, 984, 1003, 1048-1050, 1081, 1083, 1129, 1265, 1266-1267, 1282, 1283, 1403, 1482

Amendments offered—571, 711, 978, 984, 1048, 1106, 1258, 1265, 1266, 1292, 1388

Amendments withdrawn—984, 1261

Bills introduced—52, 95, 239, 291, 292, 335, 349, 395, 403, 404, 472, 493

Leave of absence—392, 609, 1501, 1539, 1598, 1733

Requested to be added as a sponsor of House Resolution 111—2063

Resolution offered—1730

Subcommittee assignments—386, 465, 482, 591, 829, 890, 1000, 1401

BRANSTAD, CLIFFORD O.—Representative **Hancock-Winnebago-Wright** Counties

Amendments filed—673, 735, 955, 1403, 1451, 1732

Bills introduced—66, 96, 118, 119, 155, 292, 295, 307, 315, 335, 453, 458

Explanation of vote—480

Leave of absence—453, 563

Petition presented—781

Resolutions offered—50, 1641, 1730, 1772

Subcommittee assignments—71, 72, 92, 100, 260, 342, 447, 465, 481, 482, 606

BRANSTAD, GOVERNOR TERRY E.—

(See GOVERNOR BRANSTAD, TERRY E.)

BRAUNS, BARRY—Representative **Johnson-Louisa-Muscatine** Counties

Amendments filed—520, 550, 674, 806, 1003, 1081, 1451, 1918

Amendments offered—568, 586

Appointed to the Law Enforcement Academy Council—30

Bills introduced—76, 118, 119, 292, 295, 375, 412, 439, 476

Committee appointments—38, 1692
 Explanation of vote—384, 1536, 1638
 Presented to the House the Honorable Virgil Corey, former member of the House—1504
 Report—2044-2061
 Resolution offered—1730
 Subcommittee assignments—49, 63, 100, 109, 260, 342, 387, 388, 432, 465, 481, 482, 495

BRUNKHORST, BOB—Representative Black Hawk-Bremer Counties

Amendments filed—263, 424, 507, 549, 550, 670, 735, 805, 969, 1001, 1082, 1083, 1129, 1193, 1451, 1641, 1762-1766, 1766, 2125
 Amendments offered—583, 588, 676, 868, 969, 1189, 1193, 1261, 1762, 1766
 Amendments withdrawn—809, 2125
 Appointed to the Communications Review Committee—30
 Bills introduced—52, 96, 101, 118, 119, 264, 349, 439
 Committee appointments—3, 1380, 1883-1884
 Explanation of vote—776
 Reports—10, 79, 125, 1999-2001
 Resolution offered—1730
 Subcommittee assignments—72, 78, 125, 151, 289, 301, 328, 372, 405, 430, 465, 495, 777, 778, 804

BUDGET MESSAGE—

(See STATE OF THE STATE AND BUDGET MESSAGES)

BURNETT, CECELIA—Representative Story County

Amendments filed—146, 147, 630, 631, 670, 671, 672, 673, 674, 735, 780, 804, 805, 806, 832, 833, 893, 955, 956, 1002, 1003, 1083, 1508, 1690, 1730, 1731, 1732, 1758-1759, 1759
 Amendments offered—699, 1099
 Amendments withdrawn—1103, 1759
 Bills introduced—12, 52, 95, 113, 239, 264, 291, 292, 334, 375, 395, 403, 471, 472
 Presented to the House Iowa State Cyclones Men's Basketball Coach, Tim Floyd—1588
 Resolution offered—1730
 Subcommittee assignments—88, 301, 342, 386, 387, 431, 447, 482, 607, 778, 890, 923

CARROLL, DANNY—Representative Jasper-Mahaska-Marshall-Poweshiek Counties

Amendments filed—147, 501, 608, 735, 780, 927, 954, 956, 978-979, 1002, 1082, 1129, 1402, 1507, 2066
 Amendments offered—285, 853, 978, 1326, 1554, 1634, 2069
 Amendments withdrawn—978, 1554
 Appointed to the Advisory Commission on Intergovernmental Relations—29

Bills introduced—11, 13, 52, 96, 119, 264, 292, 295
 Committee appointments—3, 1633
 Explanation of vote—446, 480, 665, 1880
 Leave of absence—411, 453, 609
 Petition presented—1
 Presented to the House his mother, Mrs. Joyce Carroll of Spencer, Indiana—
 1598
 Presided at sessions of the House—285, 740, 1052, 1071
 Report—2003-2042
 Resolution offered—1730
 Subcommittee assignments—49, 50, 63, 64, 72, 84, 144, 260, 301, 312, 342, 386,
 387, 430, 432, 465, 466, 481, 482, 495, 628, 828, 830

CATALDO, MICHAEL J.—Representative Polk County

Amendments filed—146, 147, 165, 238, 352, 520, 671, 672, 673, 954, 982, 1002,
 1003, 1082, 1282, 1393-1395, 1586, 1732
 Amendments offered—248, 283, 529, 708, 1396, 1485
 Amendments withdrawn—283, 382, 982, 1396, 1398
 Bills introduced—52, 95, 101, 158, 239, 291, 440
 Committee appointment—1277
 Leave of absence—324, 378, 855, 1888, 1919
 Presided at sessions of the House—1008, 2104
 Report—1895-1913
 Subcommittee assignments—71, 73, 93, 109, 301, 372, 387, 405, 430, 465, 504,
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Resolution relating to:

House Resolution 106—1081, 1410, 1411 adopted & msgd.

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A. McGiverin
(See SUPREME COURT OF IOWA)

CHURCHILL, STEVEN W.—Representative Dallas-Polk Counties

Amendments filed—452, 593, 717, 735, 1002, 1322, 1403, 1731

Amendments offered—717, 855

Amendment withdrawn—769

Appointed to the Wallace Technology Transfer Foundation Board—31

Bills introduced—96, 101, 295, 314, 439

Committee appointments—98, 462-463, 1124

Presented to the House a delegation from Iowa's sister state, Stavropol, Krai—1317

Reports—664-665, 677-680, 1933, 2083-2096

Resolutions offered—333, 629, 1730

Subcommittee assignments—48, 71, 73, 100, 115, 387, 465, 778, 890

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Communications from—16, 143, 1934

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(See also STATE APPEAL BOARD)

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COHOON, DENNIS M.—Representative Des Moines County

Amendments filed—146, 147, 423, 549, 671, 672, 673, 806, 832, 955, 956, 1002, 1003, 1283, 1508, 1610

Appointed to the Education Commission of the States—30

Bills introduced—52, 76, 95, 128, 239, 264, 291, 292, 334, 349, 439, 441

Committee appointment—1692

Leave of absence—91, 639

Report—2044-2061

Subcommittee assignments—71, 72, 78, 109, 151, 260, 342, 372, 430, 431, 447, 466, 481, 482, 628, 777, 778

COLLEGE STUDENT AID COMMISSION—

Appointment to—29

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Amendments filed—452, 549

Amendment offered—613

Bills introduced—240, 325, 337, 338, 422, 423, 439, 454, 459, 472, 477, 488, 493, 522, 523, 524, 551

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Subcommittee assignments—50, 71, 72, 73, 109, 115, 125, 289, 301, 372, 387, 405, 430, 431, 465, 668, 669, 778, 923

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(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or INDIVIDUAL HEADINGS)

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Appointed—462-463, 1124, 1277, 1380, 1393, 1454, 1606, 1630, 1633, 1692, 1883-1884, 1926, 1932, 2098

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Senate File 2449—2154-2164

Reports filed:

House File 2114—664-665

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Senate File 13—730

Senate File 2154—1727

Senate File 2443—1933

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Senate File 2449—1728

Reports called up:

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House File 2421—2044

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House File 2472—2073

House File 2486—1999

Senate File 2154—1733
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 House File 2486—2002
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Report rejected:

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Temporary replacement on House File 2421 (Representative Gipp)—1926

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative **Polk** County, Assistant Minority Leader

Amendments filed—146, 147, 338, 365, 367, 630, 670, 672, 673, 954, 955, 956, 1002, 1003, 1282, 1538

Amendments offered—365, 367, 1384, 1835

Appointed to the Administration and Rules Committee, ranking member replacing the former Representative Richard Running—15

Bills introduced—13, 52, 95, 101, 158, 159, 239, 240, 241, 267, 291, 292, 295, 334, 350, 394, 395

Committee appointments—3, 15

Leave of absence—392, 783, 807

Resolutions offered—1730, 1772

Subcommittee assignments—62, 63, 71, 92, 109, 110, 144, 145, 163, 234, 301, 302, 328, 342, 387, 466, 481, 516, 606, 607, 668, 669

COON, BRIAN A.—Representative **Warren** County

Amendments filed—238, 333, 561, 1689, 1730

Amendments offered—561, 1375, 1749

Amendment withdrawn—561

Bills introduced—97, 118, 119, 239, 264, 292, 295, 307, 314, 315, 335

Committee appointment—1630

Leave of absence—96

Presented to the House John Banzhaf, Executive Director of Action on Smoking and Health (ASH)—1522

Reports—2, 1733-1735

Resolution offered—1730

Subcommittee assignments—49, 62, 63, 71, 73, 83, 110, 144, 260, 289, 301, 430, 431, 482, 606, 607, 734, 829, 923

CORBETT, RON J.—Representative **Linn** County

(See **SPEAKER OF THE HOUSE**—Ron J. Corbett, Representative **Linn** County)

CORMACK, MIKE—Representative **Webster** County

Amendments filed—263, 607, 608, 630, 799, 1597

Amendments offered—613, 799

Amendment withdrawn—799

Bills introduced—36, 51, 66, 85, 96, 118, 264, 292, 314, 453

Explanation of vote—480, 604

Leave of absence—453

Presided at sessions of the House—855, 2105

Subcommittee assignments—49, 73, 109, 387, 465, 668, 778, 890

CORNELIUS, JERRY—Representative **Dubuque-Jackson** Counties

(Deceased)

Appointed to the Agricultural Education Advisory Council—29

Memorial delegation announced—15

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Supplemental report adopted—2

DAGGETT, HORACE—Representative **Decatur-Ringgold-Taylor-Union** Counties

Amendments filed—279-281, 726-727, 1003

Amendment offered—279

Bills introduced—11, 12, 13, 51, 52, 66, 76, 77, 86, 94, 118, 119, 159, 239, 242, 264, 292, 295, 376, 394, 439, 441, 453

Leave of absence—370, 453, 1110, 1393, 1444

Presided at sessions of the House—1475

Resolutions offered—333, 1730

Subcommittee assignments—63, 72, 77, 110, 328, 372, 481, 495, 778

DINKLA, DWIGHT—Representative **Adair-Guthrie-Madison** Counties

Amendments filed—135, 146, 608, 669, 1129, 1323, 1403, 1610

Amendments offered—268, 687, 1409, 1599
Amendment withdrawn—1550
Bills introduced—12, 13, 52, 94, 265, 335, 394, 395
Committee appointments—54, 1926
Leave of absence—336, 984, 1004, 1611, 1733, 1998
Reports—1933, 1937-1945
Resolution offered—333
Subcommittee assignments—63, 83, 87, 88, 110, 126, 162, 260, 289, 302, 341, 342, 430, 431, 447, 606, 607, 628, 669, 829, 923, 929, 1128, 1406, 1506

DISNEY, LARRY—Representative Polk County

Amendments filed—147, 452, 501, 630, 735, 805, 1282, 1403, 1519-1520, 1732
Amendments offered—1296, 1314, 1519
Bills introduced—66, 96, 101, 119, 149, 158, 264, 265, 267, 292, 295, 314, 393, 440
Committee appointment—38
Leave of absence—296, 647
Resolution offered—1730
Subcommittee assignments—49, 50, 63, 73, 88, 92, 109, 110, 126, 162, 341, 386, 387, 430, 431, 495, 606, 628, 668, 782, 1127

DODERER, MINNETTE—Representative Johnson County

Amendments filed—127, 146, 147, 338, 542-543, 592, 631, 670, 671, 672, 673, 804, 805, 806, 832, 833, 955, 956, 1002, 1003, 1267, 1451, 1507, 1610, 1730, 1732, 1753-1754, 2066, 2149-2150
Amendments offered—542, 903, 907, 1267, 1532, 1617, 1753
Amendment withdrawn—1754
Bills introduced—52, 66, 113, 119, 149, 239, 264, 291, 292, 334, 375, 395, 458, 472
Leave of absence—101
Objection to title, Senate File 2467, pursuant to Article III, Section 29, Constitution of Iowa—1727
Petition presented—392
Presented plaques to each leader in appreciation of his service and dedication to the House—1950
Presented to the House Angie Lee, U of I Women's Basketball Coach—1757
Resolution offered—1729
Subcommittee assignments—50, 62, 63, 71, 72, 84, 87, 109, 289, 301, 430, 431, 606, 668, 734, 829, 923

DRAKE, JACK—Representative Audubon-Pottawattamie-Shelby Counties

Amendments filed—674, 703, 735, 833, 1129, 1390, 1403, 1597, 1732
Amendments offered—785, 1387, 1390
Amendment withdrawn—703
Bills introduced—118, 119, 264, 295, 404, 441
Committee appointments—1393, 1932
Leave of absence—508

Report—1844-1857

Resolution offered—333

Subcommittee assignments—48, 49, 63, 73, 88, 109, 162, 163, 430, 432, 465, 481, 495, 504, 606, 1406

DREES, JIM—Representative **Carroll-Greene Counties**

Amendments filed—146, 147, 670, 671, 672, 673, 955, 956, 1002, 1003, 1129, 1283

Bills introduced—52, 95, 239, 264, 291, 292, 334

Leave of absence—438, 783, 807, 1773

Subcommittee assignments—63, 72, 73, 84, 341, 342, 387, 432, 481, 890

ECONOMIC DEVELOPMENT, COMMITTEE ON—

Amendments filed—1001

Amendments offered—1381, 1625

Appointments to—99

Bills introduced—337, 376, 441, 524, 539, 551, 573

Recommendations—331, 373, 449, 485, 497-498, 517, 1000-1001

Subcommittee assignments—49, 72, 110, 301, 431, 465, 481, 829, 890

EDDIE, RUSSELL J.—Representative **Buena Vista-Clay-Pocahontas Counties**

Amendments filed—805, 833, 893, 1002, 1732

Amendment offered—877

Bills introduced—66, 96, 119, 264, 292, 375, 404, 439, 458, 477

Explanation of vote—161, 1320, 2170

Leave of absence—438, 1130, 1998

Petition presented—609

Resolution offered—1730

Subcommittee assignments—50, 72, 73, 88, 110, 341, 342, 386, 387, 430, 465, 466, 481, 482, 829

EDUCATION, COMMITTEE ON—

Amendments filed—90, 146, 263, 437, 501, 520, 927

Amendments offered—105, 227, 822, 847

Amendment withdrawn—423

Appointments to—99

Bills introduced—338, 493

Recommendations—89, 145-146, 165, 262, 331-332, 436, 469, 498, 517-518, 830-831, 924-925

Subcommittee assignments—72, 77, 78, 87, 109, 110, 151, 163, 301, 328, 372, 465, 466, 481, 495, 591, 628, 629, 777, 778, 782, 804, 891

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ENROLLED BILLS—

(See BILLS, subheading, Sent to Governor; CHIEF CLERK OF THE HOUSE, Elizabeth A. Isaacson, Reports; and/or SPEAKER OF THE HOUSE, Ron Corbett, subheading, Bills signed by)

ENVIRONMENTAL PROTECTION, COMMITTEE ON—

Amendments filed—780, 927
 Amendment offered—915
 Bills introduced—379, 422, 439, 502, 522, 523
 Recommendations—373, 391, 498, 504-505, 779, 925, 1080-1081
 Subcommittee assignments—72, 83, 144, 260, 351, 387, 890

ERTL, JOE—Representative Delaware-Dubuque Counties

Amendments filed—263, 352, 549, 1003, 1322
 Amendment withdrawn—845
 Bills introduced—96, 119, 264, 439, 453
 Committee appointment—53
 Explanation of vote—233, 287
 Leave of absence—1611, 1733
 Resolution offered—1730
 Subcommittee assignments—49, 50, 100, 126, 144, 162, 301, 302, 387, 465, 481, 606, 629, 829, 890, 1401

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 House File 61—Representative Carroll—665
 House File 61—Representative Brunkhorst—776
 House File 61—Representative Osterhaus—777
 House File 111—Representative Bradley—1536
 House File 121—Representative Martin—108
 House File 121—Representatives Moreland & Veenstra—114
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 House File 210—Representative Harrison—341
 House File 210—Representative Bradley—1536
 House File 258—Representative Weigel—385
 House File 258—Representative Rants—404
 House File 258—Representative Larson—515
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 House File 329—Representative Martin—108
 House File 329—Representatives Moreland & Veenstra—114

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House File 459—Representative Ertl—233
House File 511—Representative Brauns—1536
House File 523—Representative Osterhaus—777
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House File 2001—Representatives Moreland & Veenstra—114
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House File 2050—Representative Osterhaus—777
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House File 2144—Representative Larson—515
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- House File 2150—Representative Brunkhorst—776
House File 2150—Representative Osterhaus—777
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House File 2209—Representative Larson—515
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House File 2255—Representative Nelson of Marshall—730
House File 2256—Representative Larson—515
House File 2256—Representative Bradley—1536
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House File 2258—Representative Osterhaus—777
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Senate File 2245, H-6040—Representative Larson—1914
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Senate File 2283—Representative Bradley—1447
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Senate File 2299—Representative Eddie—1320
Senate File 2303—Representative Bradley—1536
Senate File 2305—Representative Bradley—1536
Senate File 2323—Representative Eddie—1320
Senate File 2352—Representative Eddie—1320
Senate File 2357—Representative Larson—1914
Senate File 2366—Representative Larson—1860
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- Senate File 2370—Representative Larson—1860
 Senate File 2396—Representative Bradley—1536
 Senate File 2399—Representatives Bradley & Brauns—1536
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 Senate Concurrent Resolution 103—Representative Martin—108
 Senate Concurrent Resolution 103—Representatives Moreland & Veenstra—114

FALLON, ED—Representative Polk County

- Amendments filed—146, 147, 238, 374, 592, 593, 607, 608, 630, 631, 670, 671, 673, 674, 735, 780, 805, 955, 956, 976, 977, 982, 983, 1002, 1003, 1267, 1281, 1322, 1451, 1501, 1589, 1597, 1636, 1731, 1759, 2125, 2172
 Amendments offered—246, 650, 658, 769, 787, 972, 982, 983, 1022, 1120, 1335, 1442, 1501, 1589, 2125
 Amendments withdrawn—379, 651, 663, 792, 850, 976, 1501, 1636
 Bills introduced—52, 96, 101, 113, 119, 136, 155, 239, 264, 265, 393, 395, 411, 439
 Committee appointment—1633
 Leave of absence—1870
 Report—2003-2042
 Resolutions offered—31, 135, 1597, 1730
 Subcommittee assignments—88, 162, 301, 351, 386, 387, 482, 890

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

GARMAN, TERESA—Representative Marshall-Story Counties

- Amendments filed—630, 954, 1002, 1081, 1082, 1451, 1604, 1695-1696, 1772, 2172
- Amendments offered—661, 662, 1072, 1098, 1107, 1604, 1695, 2109
- Amendments withdrawn—1119, 1220
- Bills introduced—76, 97, 119, 264, 292, 307, 314, 335, 395, 439, 453
- Committee appointments—38, 1277
- Explanation of vote—400, 1914
- Leave of absence—1870
- Presided at sessions of the House—783
- Report—2073-2081
- Resolutions offered—333, 1729, 1730
- Subcommittee assignments—77, 78, 109, 163, 302, 388, 465, 495, 607, 629, 734, 778, 828, 891

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- House Concurrent Resolution 101, condition of the state and budget message—3-4 adopted & msgd. - S.J. 9 adopted, 22 msgd., 28 - H.J. 37.
- House Concurrent Resolution 102, condition of the judicial department—4 adopted & msgd. - S.J. 9, 21, 22 adopted, 22 - H.J. 37.
- House Concurrent Resolution 105, women state legislators—65, 97-98 as amended, adopted, 102 - S.J. 115, 121, 135, 358, 359, 472-473 as amended, adopted, 476 msgd. - H.J. 462, 470.
- House Concurrent Resolution 123, approve & confirm appointment, citizens' aide—1081, 1412 adopted, 1415 msgd. - S.J. 1267, 1274, 1289, 1340, 1343 adopted, 1347 - H.J. 1594.
- House Resolution 106, annual budget, daily operation, House of Representatives—1081, 1410, 1411 adopted.
- Senate Concurrent Resolution 126, final adjournment—S.J. 1596, 1597 adopted & msgd. - H.J. 2169 adopted, 2170 msgd.

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(See AWARDS AND GIFTS)

GIPP, CHUCK—Representative Allamakee-Winneshiek Counties, Assistant Majority Leader

- Amendments filed—771, 773, 780, 799, 1001, 1282, 1451, 1597, 1703, 1828-1834
- Amendments offered—771, 794, 1289, 1604, 1703
- Amendments withdrawn—1530, 1738
- Appointed as one of the official delegation to attend the memorial service of the Honorable Jerry Cornelius—15

Appointed to the Capitol Planning Commission—29
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 Committee appointments—1277, 1606, 2098, 2180
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 Presided at sessions of the House—305, 325, 457, 1092, 1501, 1533
 Replaced Representative Millage on Conference Committee on House File 2421
 for Friday, April 26, 1996—1926
 Report—1895-1913
 Resolution offered—1597
 Subcommittee assignments—48, 49, 83, 100, 110, 144, 163, 260, 289, 302, 328,
 465, 466, 516, 591, 607, 668, 734, 830, 923, 1506

GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—39-46
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 1400, 1448, 1503-1504, 1536-1537, 1639-1640, 1686-1687, 1770-1771, 1861, 1914-
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 Resolutions relating to:
 House Concurrent Resolution 101—3-4 adopted & msgd. - S.J. 9 adopted, 22
 msgd., 28 - H.J. 37.
 House Concurrent Resolution 104, children's week—31, 68 - SCR 102
 substituted. HCR 104 w/d.
 House Concurrent Resolution 116, women's history month—501, 503, 603
 adopted & msgd. - S.J. 693, 695, 724.
 Senate Concurrent Resolution 102, children's week—S.J. 25, 27 adopted, 28
 msgd. - H.J. 37, 68 substituted for HCR 104 - H.J. 75. SCR 102 adopted - H.J.
 68.
 Veto message—1915-1916
 Veto message after session—2673

GREIG, JOHN M.—Representative Dickinson-Emmet-Palo Alto Counties

Amendments filed—672, 833, 874, 874-875, 1002
 Amendment offered—874
 Amendments withdrawn—874, 1115
 Bills introduced—96, 148, 264, 292, 394, 439, 453

Committee appointment—1454

Reports—1728, 2154-2164

Subcommittee assignments—88, 110, 162, 342, 387, 495, 607, 829, 1128

GREINER, SANDRA—Representative Keokuk-Mahaska-Wapello-Washington Counties

Amendments filed—1001, 1129, 1281

Amendments offered—1105, 1509

Amendment withdrawn—1509

Bills introduced—52, 76, 119, 155, 265, 292, 315, 376, 439, 453, 459

Committee appointment—1393

Report—1844-1857

Subcommittee assignments—83, 88, 125, 260, 289, 301, 341, 342, 351, 431, 481, 734, 923

GRIES, DON—Representative Crawford-Monona-Woodbury Counties

Amendments filed—263, 672, 673, 726-727, 1129, 1282, 1403, 1959-1998

Amendment offered—1419

Appointed to the Education Commission of the States—1596

Bills introduced—52, 66, 96, 264, 292, 404

Explanation of vote—404

Leave of absence—392

Petitions presented—1, 36, 79, 85, 96, 112, 736, 1324, 1452

Resolutions offered—333, 1730

Subcommittee assignments—77, 78, 87, 109, 151, 466, 495, 591, 628, 629, 777, 778, 804

GRUBBS, STEVE—Representative Scott County

Amendments filed—304, 374, 410, 424-426, 550, 593, 599-600, 674, 833, 1001, 1282, 1403, 1538

Amendments offered—308, 309, 379, 569, 599, 1444, 1569

Amendments withdrawn—423, 885, 1444

Bills introduced—66, 76, 96, 119, 264, 305, 349, 440, 460

Leave of absence—91, 1733, 1773

Presented to the House Jane Boffeli, teacher at Fulton Elementary school in Dubuque—1532

Resolutions offered—1730, 2066

Subcommittee assignments—62, 63, 83, 84, 87, 110, 115, 125, 126, 151, 328, 341, 405, 431, 606, 734, 777, 778, 804, 829, 891, 1688

GRUNDBERG, BETTY—Representative Polk County

Amendments filed—147, 339, 549, 669, 717, 726-727, 953, 954, 955, 1001, 1002, 1003, 1282, 1283, 1317, 1322, 1323, 1403, 1597, 1610, 1731, 1959-1998

Amendments offered—822, 1311, 1316, 1317, 1318, 1325, 1418, 1959

Amendment withdrawn—339

Bills introduced—14, 36, 76, 77, 101, 113, 159, 241, 295, 393, 403, 439
Committee appointment—53
Leave of absence—1384
Presented to the House Congressman Greg Ganske—957
Presided at sessions of the House—1540
Resolutions offered—31, 135, 501, 1730
Subcommittee assignments—77, 78, 87, 100, 110, 144, 163, 302, 328, 372, 465,
481, 495, 629, 778, 1000, 1128, 1609

HAHN, JAMES F.—Representative Muscatine-Scott Counties

Amendments filed—833, 874, 1003, 1081, 1082
Amendments offered—1056, 1075, 1100, 1104
Amendments withdrawn—1104, 1106, 1107
Bills introduced—264, 292, 295, 439, 453
Committee appointment—1393
Report—1844-1857
Subcommittee assignments—83, 100, 341, 351, 386, 606, 890

HALVORSON, ROGER A.—Representative Allamakee-Clayton-Fayette Counties

Amendments filed—127, 263, 608, 735, 932, 1001, 1002, 1402, 1508, 1538, 1689,
1731, 1732, 1872
Amendments offered—268, 277, 1013, 1411, 1696, 1722, 1760, 1776
Amendments withdrawn—958, 1872
Bills introduced—66, 96, 113, 119, 292, 295, 439, 1284
Committee appointment—1454
Presented plaques to each leader in appreciation of his service and dedication to
the House—1950
Reports—1728, 2154-2164
Resolutions offered—333, 1597
Subcommittee assignments—63, 87, 88, 126, 162, 312, 341, 387, 430, 431, 628,
669, 923, 929, 1128, 1506

HAMMITT BARRY, DONNA M.—Representative Harrison County

Amendments filed—674, 726-727, 1959-1998
Amendments offered—711, 1085
Bills introduced—52, 66, 76, 96, 119, 264, 292, 295, 314, 337, 404
Explanation of vote—1535
Reports—730, 742-754
Resolutions offered—333, 487, 1730
Subcommittee assignments—49, 88, 162, 301, 431, 482, 607, 830

HANSON, DONALD E.—Representative Black Hawk County

Amendments filed—726-727, 735
Bills introduced—66, 96, 119, 264, 292, 295, 404, 439

Committee appointment—1277

Leave of absence—1919

Petition presented—85

Report—1895-1913

Resolution offered—1730

Subcommittee assignments—63, 77, 78, 87, 109, 301, 342, 386, 431, 432, 495, 591, 669, 782, 804, 830

HARPER, PATRICIA M.—Representative Black Hawk County

Amendments filed—146, 147, 339, 631, 670, 671, 672, 673, 806, 832, 954, 955, 956, 1002, 1003, 1082, 1283, 1610

Amendment offered—1294

Bills introduced—52, 95, 148, 166, 239, 241, 291, 292, 315, 334, 392, 395, 457, 458

Leave of absence—131, 296

Petitions presented—96, 438

Presided at sessions of the House—1388

Resolution offered—1730

Subcommittee assignments—49, 50, 63, 88, 162, 312, 386, 387, 431, 432, 447, 607, 629, 778, 828

HARRISON, NEIL—Representative Scott County

Amendments filed—391, 670, 674, 833, 980, 1082, 1083, 1129, 1323, 1451, 1719-1720, 1750

Amendments offered—355, 681, 850, 1255, 1330, 1719, 1750

Amendments withdrawn—1259, 1262

Appointed to the Council on Human Investment—30

Appointed to the Medical Assistance Advisory Council (Title XIX)—30

Bills introduced—66, 86, 97, 118, 119, 131, 241, 264, 295, 336, 349, 393, 394, 440, 458

Explanation of vote—341, 384, 997, 2063

Leave of absence—131, 148, 1936

Requested his name be added as a sponsor of House File 2147—259

Resolutions offered—1597, 1730, 2066

Subcommittee assignments—83, 84, 87, 88, 126, 162, 289, 301, 386, 430, 431, 465, 481, 482, 606, 607, 734, 829, 890, 923

HEATON, DAVID E.—Representative Des Moines-Henry-Washington Counties

Amendments filed—674, 726-727, 735, 780, 804, 1322, 1508, 1690

Amendments offered—726, 791, 842, 1693

Amendment withdrawn—1456

Bills introduced—76, 91, 92, 97, 118, 119, 239, 241, 264, 337, 376, 394

Committee appointment—1277

Leave of absence—1611

Presided at sessions of the House—1738

Report—2073-2081

Resolutions offered—333, 1729, 1730

- Subcommittee assignments—72, 260, 301, 431, 481, 828, 829, 890
- HOLVECK, JACK—Representative Polk County
- Amendments filed—146, 304, 520, 593, 608, 630, 631, 670, 671, 672, 673, 735, 780, 804, 805, 806, 832, 833, 954, 955, 956, 981, 1002, 1257, 1267, 1377-1378, 1451, 1498, 1507, 1508, 1589, 1597, 1637, 1690, 1730, 1731, 1732, 1753-1754, 1758-1759, 1759, 2172
- Amendments offered—601, 653, 1257, 1377
- Amendments withdrawn—1498, 1637, 1705, 1758, 1759, 1760
- Appointed to the Commission on the Status of Women—29
- Bills introduced—52, 95, 159, 239, 265, 292, 334, 375, 395
- Committee appointment—3
- Leave of absence—609, 1410, 1998
- Presented to the House winners of the “Write Women Back into History” essay contest—603-604
- Presented to the House the Honorable Janet Adams former member of the House—1079
- Presided at sessions of the House—781
- Report—2
- Requested his name be added as a sponsor of House Concurrent Resolution 116—503
- Resolution offered—1730
- Subcommittee assignments—72, 78, 83, 88, 92, 115, 260, 301, 341, 372, 387, 405, 606, 607, 668, 734, 829, 923

HOUSE CONCURRED—

- House File 111, H-5857—1479
- House File 210, H-5565—1470
- House File 230, H-5981—1701
- House File 258, H-4229, as amended—370
- House File 334, H-5601—1524
- House File 419, H-5566—1423
- House File 511, H-5879—1499
- House File 514, H-5677—1374
- House File 560, H-6054, as amended—2147
- House File 569, H-5921—1576
- House File 570, H-5920, as amended—1571
- House File 2050, H-5927—1622
- House File 2114, H-5079, as amended—420
- House File 2144, H-5845—1512
- House File 2201, H-5940—1624
- House File 2229, H-5647—1546
- House File 2234, H-6041—1887
- House File 2256, H-5812—1417
- House File 2259, H-5899—1541
- House File 2306, H-5757—1501

House File 2315, H-5569—1344
House File 2316, H-5646—1309
House File 2324, H-5645—1290
House File 2331, H-5720—1343
House File 2350, H-5758—1368
House File 2369, H-5821, as amended—2150
House File 2370, H-5621, as amended—1462
House File 2383, H-5877, as amended—1632
House File 2387, H-6042, as amended—1893
House File 2407, H-5644—1464
House File 2419, H-5756, as amended—1456
House File 2427, H-5916—1565
House File 2433, H-5735, as amended—1289
House File 2448, H-5917—1549
House File 2456, H-5649, as amended—1331
House File 2458, H-5922, as amended—1751
House File 2462, H-5650—1424
House File 2477, H-5522, as amended—1998
House File 2481, H-6089—2153
House File 2491, H-6027—1774
House File 2497, H-5976, as amended—1703
House Concurrent Resolution 110, H-5994—1737
Senate File 482, H-5494—1379
Senate File 2147, H-6055—1948
Senate File 2195, H-6053—1924
Senate File 2370, H-6065—2104
Senate File 2399, H-6039—1871
Senate File 2409, H-6044—1885
Senate File 2420, H-5873—1477
Senate File 2464, H-6064—2101

HOUSE INSISTS—

House File 2114—462
House File 2387—1932
House File 2458—1926
Senate File 2442—1633
Senate File 2443—1124
Senate File 2448—1380

HOUSE RECEDES—

Senate File 2140—2062

HOUSE REFUSED TO CONCUR—

House File 2390, H-5684—1468

House File 2416, H-5589—1220
 House File 2421, H-5960—1685
 House File 2449, H-5721, as amended—1443
 House File 2472, H-5575—1189
 House File 2486, H-6032—1868
 Senate File 259, H-5855—1518
 Senate File 2030, H-5033—160
 Senate File 2085, H-5856—1484
 Senate File 2154, H-5878—1557
 Senate File 2245, H-6040—1878
 Senate File 2446, H-5834—1364
 Senate File 2449, H-5736—1166

HOUSER, HUBERT—Representative Fremont-Mills-Pottawattamie Counties
 Amendments filed—410, 735, 833, 954, 970-972, 977-978, 982, 1082, 1403, 1597,
 2123
 Amendments offered—641, 837, 959, 970, 977, 987, 2123
 Bills introduced—97, 118, 264, 295, 337, 404, 439, 453, 458
 Committee appointments—462-463, 1633
 Leave of absence—136
 Reports—664-665, 677-680, 2003-2042
 Resolution offered—1730
 Subcommittee assignments—48, 49, 71, 109, 260, 386, 431, 465, 606, 1000, 1609

HUMAN RESOURCES, COMMITTEE ON—
 Amendments filed—374, 452, 487, 520, 894, 953
 Amendments offered—621, 853, 1085, 1286
 Appointments to—99
 Bills introduced—118, 226, 292, 404, 476, 522, 523
 Recommendations—116, 225, 288, 373-374, 408, 449, 485, 498, 518-519, 891-892,
 949-950
 Subcommittee assignments—49, 50, 88, 144, 162, 301, 312, 386, 387, 431, 432,
 447, 481, 482, 607, 628, 629, 778, 828, 829, 830, 890, 923

HURLEY, CHARLES D.—Representative Buchanan-Fayette Counties
 Amendments filed—2066, 2105, 2106-2107
 Amendment offered—2067
 Amendment withdrawn—2105
 Bills introduced—66, 76, 86, 97, 118, 119, 292, 295, 314, 395, 439
 Presentation of visitors (as Acting Speaker)—1537
 Presided at sessions of the House—1535
 Reports—730, 742-754
 Resolution offered—1730
 Subcommittee assignments—62, 63, 77, 78, 88, 125, 126, 144, 162, 301, 302, 386,
 405, 482, 628, 829, 890, 923

- HUSEMAN, DANIEL A.—Representative BuenaVista-Cherokee-O'Brien-Plymouth Counties
 Amendments filed—673, 780, 893, 1002, 1731, 1732
 Bills introduced—13, 96, 119, 292, 295, 453
 Petition presented—736
 Replaces Representative Jerry Cornelius, deceased, on the Natural Resources Committee—46
 Resolution offered—1730
 Subcommittee assignments—64, 71, 109, 289, 342, 387, 430, 465, 466, 606, 607

INTERIM APPOINTMENTS—

Advisory Commission On Intergovernmental Relations:

Danny Carroll—29

Agricultural Education Advisory Council:

Jerry Cornelius—29

Capitol Planning Commission:

Chuck Gipp—29

Center for Rural Health and Primary Care:

Russell Teig—29

Dennis May—29

College Student Aid Commission:

Christopher Rants—29

Commission On Children, Youth and Families:

Beverly Nelson—29

Commission On The Status of Women:

Jack Holveck—29

Communications Review Committee:

Bob Brunkhorst—30

Council On Human Investment:

Neil Harrison—30

Economic Development Board:

Chuck Larson—30

Deo Koenigs—30

Education Commission of the States:

Dennis Cohoon—30

Functional Classification Review Board:

Jerry Welter—30

Intermediate Criminal Sanctions Task Force:

Tom Baker—30

Iowa Public Employees' Retirement System:

Mona Martin—30

Law Enforcement Academy Council:

Barry Brauns—30

Medical Assistance Advisory Council (Title XIX):

Neil Harrison—30

North American Free Trade Agreement Export and Trade Summit:

Don Shultz—30

Phil Wise—30

Prevention of Disabilities Policy Council:

Richard Arnold—30

Norman Mundie—30

Renewable Fuels and Coproducts Advisory Committee:

Bill Salton—31

Statewide Fire and Police Retirement System:

Libby Jacobs—31

Paul Bell—31

Wallace Technology Transfer Foundation Board:

Steven Churchill—31

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Appointments to—15, 29-31

Resolutions relating to:

House Concurrent Resolution 126, child visitation and custody issues—1597

House Concurrent Resolution 127, reduce and recycle solid waste—1641

House Concurrent Resolution 131, family law issues—2066

JACOBS, LIBBY—Representative Polk County

Amendments filed—410, 550, 1002, 1003, 1082, 1129, 1282, 1403, 1588, 1828-1834, 1893

Amendments offered—559, 1582, 1588, 1893

Appointed to the Statewide Fire and Police Retirement System—31

Bills introduced—51, 76, 101, 158, 159, 264, 291, 292, 295, 314

Committee appointments—1606, 1932, 2180

Leave of absence—1473, 1509

Presided at sessions of the House—1387

Report—2

Resolutions offered—1129, 1729, 1730, 2086

Subcommittee assignments—48, 49, 50, 63, 71, 73, 100, 109, 133, 144, 163, 234, 289, 328, 342, 372, 431, 432, 516, 669, 890

JOCHUM, PAM—Representative Dubuque County, Assistant Minority Leader

Amendments filed—146, 147, 238, 507, 631, 670, 671, 672, 673, 805, 806, 832, 954, 955, 956, 969, 977, 979-980, 980, 981, 989, 1002, 1003, 1281, 1283, 1322, 1323, 1451, 1587-1588, 1767

Amendments offered—242, 250, 559, 722, 758, 969-970, 973, 977, 979, 980, 981

Amendments withdrawn—250, 648

Appointed as one of the official delegation to attend the memorial service of the Honorable Jerry Cornelius—15

Bills introduced—52, 95, 158, 239, 291, 292, 334, 375, 395

Committee appointments—38, 1606, 1633, 1932
 Leave of absence—296, 2073
 Report—2003-2042
 Resolution offered—1730
 Subcommittee assignments—49, 63, 71, 72, 87, 100, 110, 144, 151, 162, 163, 312,
 341, 430, 516, 1406

JOINT CONVENTIONS—

Condition of the Judicial Department Message—54-60
 Condition of the State Message and Budget Message—39-45
 Resolutions relating to:
 House Concurrent Resolution 101, condition of the state and budget message—
 3-4 adopted & msgd. - S.J. adopted 22 msgd., 28 - H.J. 37.
 House Concurrent Resolution 102, condition of the judicial department—4
 adopted & msgd. - S.J. 9, 21, 22 adopted, 22 - H.J. 37.

JUDICIARY, COMMITTEE ON—

Amendments filed—117, 154, 238, 333, 592, 894, 927, 954
 Amendments offered—228, 308, 355, 1008, 1086, 1133, 1337, 1375, 1645
 Amendments withdrawn—1444, 1472, 1550
 Appointment to—99
 Bills introduced—292, 324, 438, 459, 460, 476, 521, 524, 538, 539, 574, 594, 609
 Recommendations—74, 116, 134-135, 153, 288-289, 332, 352, 408, 449-450, 499,
 505, 547-548, 592, 629, 892-893, 925, 951-953
 Subcommittee assignments—62, 63, 64, 77, 78, 83, 84, 87, 88, 92, 109, 110, 115,
 125, 126, 260, 289, 301, 302, 405, 430, 431, 447, 465, 481, 482, 606, 607, 734, 829,
 890, 923, 929

KLEMME, RALPH—Representative Plymouth-Woodbury Counties

Amendments filed—780, 833, 874, 893, 894, 954, 1002, 1403, 1731, 1732
 Amendment offered—909
 Bills introduced—36, 76, 85, 96, 118, 119, 264, 295, 334, 376, 392, 439, 453
 Explanation of vote—463
 Leave of absence—438
 Presided at sessions of the House—1758, 1762
 Resolutions offered—669, 1730
 Rulings made (as Acting Speaker)—1768
 Subcommittee assignments—73, 84, 109, 430, 465, 481, 607

KOENIGS, DEO A.—Representative Floyd-Mitchell Counties

Amendments filed—69-70, 146, 147, 374, 426, 549, 630, 670, 671, 672, 673, 780,
 806, 875, 884, 927, 955, 956, 1001, 1002, 1003, 1081, 1283
 Amendments offered—69, 381, 426, 565, 581, 657, 702, 791, 884, 1116, 1119, 1120
 Amendment withdrawn—1119
 Appointed to the Economic Development Board—30

Bills introduced—52, 95, 239, 264, 314, 395, 403

Committee appointment—1393

Petition presented—834

Presented to the House the Honorable Dan Fogarty, former member of the House—1400

Resolution offered—779

Subcommittee assignments—50, 100, 110, 144, 260, 341, 342, 386, 430, 481, 482, 828, 829, 1506

KREIMAN, KEITH A.—Representative Appanoose-Davis-Monroe-Van Buren Counties

Amendments filed—146, 147, 238, 374, 423, 520, 549, 550, 593, 599, 607, 608, 630, 670, 671, 672, 673, 894, 954, 955, 956, 978, 981, 1001, 1003, 1081, 1082, 1083, 1088-1089, 1129, 1194-1195, 1267, 1281, 1283, 1451, 1492, 1507, 1597, 1610, 1689, 1730, 1753-1754, 1766, 2105, 2106-2107, 2123-2124

Amendments offered—105, 298, 381, 577, 639, 651, 718, 845, 989, 1087, 1088, 1193, 1194, 1337, 1345, 1445, 1492, 1635, 2106

Amendments withdrawn—577, 1196, 1376, 1413, 1485, 1636, 2067, 2105

Appointed to Judiciary, ranking member replacing Representative Brammer—99

Bills introduced—52, 91, 92, 155, 239, 241, 264, 267, 291, 292, 334, 395, 403, 439, 471, 472

Committee appointment—1883-1884

Presented to the House twelve government students from Albia High School, Albia—15

Resolution offered—1730

Subcommittee assignments—63, 64, 77, 78, 83, 84, 87, 88, 100, 109, 125, 126, 163, 301, 302, 328, 388, 430, 431, 481, 495, 629, 734, 778, 829, 891, 923

KREMER, JOSEPH M.—Representative Black Hawk-Buchanan-Delaware Counties

Amendments filed—410, 520, 543-545, 549, 593, 669, 672, 673, 954, 1002, 1129, 1643-1644

Amendments offered—543, 558, 617, 619, 694, 770, 1221, 1259, 1261, 1262

Amendment withdrawn—994

Bills introduced—11, 13, 14, 37, 66, 76, 97, 113, 119, 136, 264, 292, 295, 376, 439, 453

Committee appointment—1380

Explanation of vote—404

Petition presented—96

Presented to the House General Raymond G. Davis of Stockbridge, Georgia—295

Presented to the House the Honorable Marvin Diemer, former member of the House—1595

Reports—1447, 1591-1593, 1730

Requested his name be added as a sponsor of House File 2222—404

Resolutions offered—333, 1730, 1772

Subcommittee assignments—62, 63, 83, 87, 260, 289, 301, 386, 387, 405, 481, 734, 829, 923, 929, 1401

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Amendments filed—333, 487

Amendments offered—617, 848

Bills introduced—458, 493, 523

Recommendations—153-154, 332, 450, 485, 506, 1507

Subcommittee assignments—62, 63, 151, 301, 312, 387, 481, 669, 1401

LAMBERTI, JEFFREY M.—Representative Polk County

Amendments filed—673, 894, 1281, 1282, 1322, 1403, 1508, 1732, 1872, 2066

Amendments offered—228, 1086, 1338, 1518, 1519, 1612, 1613

Amendment withdrawn—1872

Bills introduced—52, 86, 97, 119, 264, 292, 295, 394, 440

Committee appointment—1926

Reports—1933, 1937-1945

Resolutions offered—333, 1730

Subcommittee assignments—64, 84, 87, 88, 125, 260, 289, 301, 302, 341, 372, 387, 405, 430, 481, 607, 668, 669, 734, 804, 829, 923, 1127, 1688

LARKIN, RICK—Representative Des Moines-Lee Counties

Amendments filed—146, 147, 238, 630, 631, 670, 671, 672, 673, 806, 832, 955, 956, 1002, 1003, 1283, 1406

Amendments offered—659, 661

Amendment withdrawn—1842

Bills introduced—52, 95, 119, 239, 292, 349, 350, 392, 393, 395, 439, 460, 461

Committee appointment—1277

Leave of absence—159

Report—2073-2081

Resolutions offered—1729, 1730

Subcommittee assignments—63, 64, 84, 87, 260, 301, 431, 481, 516, 628, 778, 891, 929, 1127, 1406

LARSON, CHUCK—Representative Linn County

Amendments filed—306, 313, 670, 683-684, 1690

Amendments offered—320, 321, 683

Appointed to the Economic Development Board—30

Bills introduced—13, 52, 97, 119, 136, 242, 295, 314, 338, 349, 441, 442

Committee appointment—1454

Explanation of vote—161, 515, 1860, 1880, 1914, 1930

Leave of absence—353, 375, 438, 1733

Reports—2, 1728, 2154-2164

Resolutions offered—333, 1730

Subcommittee assignments—49, 50, 87, 88, 110, 115, 372, 430, 929, 1406

LEAVE OF ABSENCE—

79, 91, 96, 101, 120, 124, 131, 136, 142, 148, 159, 226, 244, 269, 291, 296, 318, 324, 334, 336, 353, 370, 375, 378, 383, 392, 411, 438, 453, 471, 508, 521, 551, 563, 609, 633, 639, 641, 647, 681, 783, 807, 855, 880, 895, 933, 957, 984, 987, 1004, 1050, 1087, 1110, 1111, 1130, 1257, 1381, 1384, 1388, 1393, 1396, 1407, 1409, 1410, 1444, 1455, 1473, 1501, 1509, 1598, 1611, 1642, 1645, 1648, 1716, 1733, 1738, 1762, 1773, 1863, 1870, 1888, 1894, 1919, 1931, 1936, 1998, 2067, 2073

LEGISLATIVE COUNCIL—

Resolutions relating to:

House Concurrent Resolution 126—1597

House Concurrent Resolution 127—1641

House Concurrent Resolution 131—2066

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LOCAL GOVERNMENT, COMMITTEE ON—

Bills introduced—291, 376, 403, 411, 453, 458, 472, 488, 494, 514, 515, 521, 539, 573, 574

Recommendations—154, 306, 374, 409, 450-451, 469, 485-486, 499-500, 506-507, 592, 931

Subcommittee assignments—63, 64, 84, 92, 109, 133, 234, 312, 342, 386, 387, 388, 430, 431, 432, 466, 481, 482, 495, 778

LORD, DAVID G.—Representative Dallas-Madison Counties

Amendment filed—1281

Bills introduced—52, 86, 97, 118, 119, 292, 295, 376, 453

Explanation of vote—730

Leave of absence—438, 1396, 2073

Resolution offered—1730

Subcommittee assignments—63, 72, 77, 78, 88, 151, 301, 386, 431, 447, 481, 482, 591, 607, 777, 778, 830, 890

MAIN, JERRY D.—Representative Jefferson-Van Buren-Wapello Counties

Amendment filed—674

Bills introduced—86, 97, 119, 295, 377, 453

Committee appointments—53, 1277

Explanation of vote—1503

Report—1895-1913

Requested his name be withdrawn as a sponsor of House Joint Resolution 2003—150

Resolutions offered—1597, 1730

Subcommittee assignments—87, 92, 260, 301, 341, 342, 431, 465, 482, 495, 607, 628, 929, 1406

MAJORITY LEADER, Brent Siegrist—Representative **Pottawattamie County**
(See **SIEGRIST, BRENT**—Representative **Pottawattamie County, Majority Leader**)

MANAGEMENT, DEPARTMENT OF—

Claims filed & approved—184-224

Claims filed & disapproved—1607-1608

Communications from—183-184, 1606-1607

MARTIN, MONA—Representative **Scott County**

Amendments filed—592, 674, 1003, 1451, 1508, 1538, 1610, 1828-1834, 2066, 2149-2150

Amendments offered—1301, 1778, 1828, 1840

Amendment withdrawn—2150

Appointed to the Iowa Public Employees' Retirement System—30

Bills introduced—66, 76, 118, 119, 131, 292, 349, 439, 440

Committee appointment—1932

Explanation of vote—108, 1595

Leave of absence—101

Petition presented—502

Resolutions offered—734, 1730, 2066

Subcommittee assignments—49, 50, 133, 342, 516, 629

MASCHER, MARY—Representative **Johnson County**

Amendments filed—146, 147, 238, 423, 550, 592, 631, 670, 671, 672, 673, 735, 804, 805, 833, 955, 956, 1002, 1003, 1082, 1083, 1267, 1283, 1690, 1730, 1731, 1732, 1759, 2107

Amendments offered—648, 655, 715, 1252, 1259

Amendment withdrawn—1760

Bills introduced—52, 95, 113, 119, 239, 291, 292, 314, 334, 349, 375, 395, 403, 458, 471, 472

Committee appointment—1926

Explanation of vote—589

Petition presented—392

Resolutions offered—629, 1729, 1730

Subcommittee assignments—77, 78, 83, 87, 110, 151, 301, 465, 495, 778, 891

MAY, DENNIS—Representative **Cerro Gordo-Mitchell-Worth Counties**

Amendments filed—146, 147, 238, 630, 631, 671, 672, 673, 806, 955, 956, 1001, 1002, 1283, 1402, 1731, 1732, 1766

Appointed to the Center for Rural Health and Primary Care—29

Bills introduced—95, 264, 291, 292, 439

Resolution offered—1730

Subcommittee assignments—71, 109, 289, 387, 481, 828

McCOY, MATT—Representative Polk County

- Amendments filed—135, 146, 550, 806, 832, 955, 991, 993, 1002, 1003, 1282, 1283, 1393-1395, 1451, 1494-1495, 1495-1496, 1586, 1597, 1636, 1637, 1732, 1917
- Amendments offered—563, 579, 993, 1383, 1494, 1495, 1586, 1636
- Amendments withdrawn—1396, 1637
- Bills introduced—86, 95, 97, 101, 239, 291, 292, 393, 395, 403
- Committee appointment—1277
- Explanation of vote—341
- Leave of absence—142, 336, 641
- Presented to the House fifteen students from Moscow, Russia—240
- Report—1895-1913
- Resolutions offered—1597-1935
- Subcommittee assignments—49, 73, 260, 342, 387, 431, 465, 481, 829, 890

MEMORIAL DELEGATION—

- Appointments to—15

MERTZ, DOLORES M.—Representative Humboldt-Kossuth Counties

- Amendments filed—146, 147, 670, 672, 673, 806, 833, 874, 954, 955, 956, 1001, 1002, 1003, 1081, 1283, 1402, 1732, 1766
- Amendments offered—704, 1074, 1075
- Bills introduced—52, 66, 86, 94, 95, 264, 292, 337, 394, 395, 404, 439, 453
- Committee appointments—3, 1393
- Leave of absence—1998, 2067
- Resolution offered—1730
- Subcommittee assignments—71, 88, 109, 234, 312, 342, 386, 388, 432, 465, 606

MESSAGES—

(See also COMMUNICATIONS)

- From Senate—37, 67, 101, 119-120, 128-129, 149, 150, 166, 240, 267, 286-287, 350-351, 371, 421, 442, 446, 462, 472, 477, 503, 524-526, 537-538, 540, 546, 556-557, 574-575, 595, 623, 632-633, 664, 697-698, 729-730, 755-756, 776, 815-818, 820-821, 886-888, 896, 919-920, 928, 945-947, 957, 975-976, 996-997, 1054-1055, 1078, 1124, 1130-1131, 1275-1277, 1307-1308, 1318-1319, 1364-1365, 1399-1400, 1404-1405, 1446-1447, 1452-1453, 1502-1503, 1534-1535, 1535, 1577-1578, 1594-1595, 1598, 1611-1612, 1642, 1691-1692, 1718-1719, 1727, 1756, 1756-1757, 1773, 1844, 1870-1871, 1882-1883, 1914, 1926, 1929, 1931, 1932, 1936-1937, 1950, 2003, 2044, 2073, 2096-2097, 2097, 2098-2099, 2110, 2152, 2154, 2169, 2172-2173

From Governor—1-2, 2180-2181

- Immediate messages—4, 102, 104, 107, 124, 139, 140, 141, 143, 158, 160, 233, 254, 259, 286, 293, 294, 299, 310, 318, 324, 326, 340, 358, 364, 371, 380, 384, 397, 403, 413, 421, 429, 446, 457, 474, 475, 479, 492, 509, 512, 514, 529, 537, 542, 546, 560, 561, 562, 577, 587, 589, 596, 599, 601, 603, 615, 619, 623, 640, 643, 644, 664, 677, 681, 686, 729, 740, 741, 742, 757, 774, 784, 788, 791, 793, 802, 815, 824, 842, 846, 852, 854, 886, 897, 905, 907, 917, 919, 937, 939, 944, 959, 990, 996, 1007, 1054, 1056, 1085, 1086, 1091, 1123, 1124, 1139, 1166, 1171, 1198, 1220, 1275, 1290,

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METCALF, JANET—Representative Polk County

Amendments filed—306, 338, 501, 542-543, 543, 550, 607, 669, 671, 804, 805, 833, 894, 954, 956, 1002, 1082, 1282, 1403, 1512, 1610, 1731, 1732, 2149-2150

Amendments offered—325, 848, 1512, 2149

Bills introduced—101, 295, 439

Committee appointment—1883-1884

Explanation of vote—438

Presided at sessions of the House—766, 773

Report—1999-2001

Resolution offered—1730

Subcommittee assignments—50, 63, 71, 72, 100, 109, 372, 387, 668, 804, 923, 1128, 1506

MEYER, JIM—Representative Ida-Sac-Woodbury Counties

Amendments filed—519, 673, 833, 874, 1129, 1403, 1597, 1731, 1732

Amendments offered—69, 718, 915, 1605

Bills introduced—95, 96, 453

Leave of absence—453

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Resolution offered—1537

Subcommittee assignments—100, 302, 386, 387, 481, 606, 828, 1401

MILEAGE, COMMITTEE ON—

Supplemental report—10, 79, 125

Supplemental report adopted—67, 92, 156

MILLAGE, DAVID A.—Representative Scott County

Amendments filed—135, 410, 630, 661, 674, 806, 832, 894, 1507, 1750, 2124-2125, 2127, 2127-2143, 2145

Amendments offered—141, 142, 417, 639, 708, 1579, 1750, 2111, 2124, 2127

Amendments withdrawn—423, 661
 Bills introduced—11, 14, 119, 314, 349
 Committee appointments—54, 462-463, 1692, 2098
 Leave of absence—91, 1611
 Presided at sessions of the House—1087
 Reports—10, 79, 125, 664-665, 677-680, 2044-2061
 Subcommittee assignments—62, 63, 77, 78, 83, 87, 88, 100, 110, 115, 260, 301, 302, 312, 431, 447, 466, 591, 829, 923, 1000, 1506

MINORITY LEADER, David Schrader—Representative **Marion**-Warren Counties
 (See SCHRADER, DAVID—Representative **Marion**-Warren Counties, Minority Leader)

MORELAND, MICHAEL J.—Representative **Wapello** County, Assistant Minority Leader

Amendments filed—146, 147, 154, 549, 672, 673, 806, 832, 955, 956, 982, 1002, 1003, 1082, 1083, 1129
 Amendments offered—244, 1300
 Amendments withdrawn—1090, 1131
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 Leave of absence—101, 124, 411, 633
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 Report—1733-1735
 Subcommittee assignments—50, 62, 63, 83, 84, 87, 88, 100, 110, 125, 126, 144, 162, 289, 301, 312, 387, 405, 430, 431, 481, 482, 606, 607, 628, 629, 734, 829, 890, 923

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO—

Debated:

House File 2114—2071

Lost:

House File 2114—2072-2073

MOTIONS TO RECONSIDER—

Filed:

Senate File 284—1535

Senate File 2153—1686

Senate File 2423—947

Senate File 2448—1608

Lost:

Senate File 2153—1946

Prevailed:

Senate File 284—1753

Ruled out of order:

Senate File 2153—1946

Withdrawn:

Senate File 2423—1056

Senate File 2448—2067

Motions to reconsider (filed from the floor):

House File 560—2151

Senate File 454, H-5715 to H-5639—1306-1307

Senate File 2147, H-5723 to H-5705—1196

Senate File 2409, H-5788 to H-5600—1390

Senate File 2470, H-6068 as amended—2144

Senate File 2470—2148

Lost (filed from the floor):

Senate File 2409, H-5788 to H-5600—1391

Prevailed (filed from the floor):

Senate File 2147, H-5723 to H-5705—1196

Senate File 2470, H-6068 as amended—2145

Withdrawn (filed from the floor):

House File 560—2151

Senate File 2470—2148

MUNDIE, NORMAN—Representative Boone-Calhoun-Hamilton-Webster
CountiesAmendments filed—146, 147, 549, 630, 670, 673, 735, 833, 874, 879-880, 927, 1001,
1002, 1003, 1082, 1083, 1403, 1731

Amendments offered—585, 879, 1103, 1414

Appointed to the Prevention of Disabilities Policy Council—30

Bills introduced—52, 67, 95, 97, 119, 239, 264, 292, 335, 336, 439, 441, 458, 461, 609

Committee appointment—1380

Leave of absence—807, 895, 1870

Petition presented—736

Reports—1447, 1591-1593

Requested his name be added as a sponsor of House File 2101—132

Resolution offered—1730

Subcommittee assignments—49, 63, 88, 133, 260, 341, 342, 431, 465, 481, 482, 607

MURPHY, PATRICK J.—Representative Dubuque County

Amendments filed—146, 147, 374, 520, 532, 534-535, 549, 607, 630, 670, 671, 672,
673, 703, 715, 723, 806, 832, 833, 894, 954, 955, 956, 981, 1003, 1082, 1083, 1129,
1281, 1283, 1323, 1403, 1497, 1498, 1731, 1767, 2124-2125Amendments offered—382, 532, 534, 578, 582, 649, 702, 703, 714, 715, 723, 877,
880, 899, 901, 981, 988, 1255, 1497, 1498, 1767, 2123

Amendments withdrawn—648, 897, 1007

Appointed as one of the official delegation to attend the memorial service of the
Honorable Jerry Cornelius—15

Bills introduced—14, 51, 52, 95, 148, 239, 265, 291, 292, 334, 395, 476
 Committee appointments—462-463, 1883-1884, 2180
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 Subcommittee assignments—62, 63, 88, 100, 260, 312, 431, 447, 482, 778, 890, 923, 1609

MYERS, RICHARD E.—Representative **Johnson** County, Assistant Minority Leader

Amendments filed—135, 146, 147, 313, 549, 550, 630, 671, 672, 673, 806, 832, 955, 956, 1003, 1195-1196, 1281, 1283, 1507
 Amendments offered—654, 699, 723, 1195
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 Committee appointments—38, 1454
 Leave of absence—2073
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 Subcommittee assignments—50, 63, 88, 110, 125, 162, 234, 342, 386, 387, 430, 432, 447, 495, 607, 628, 629, 778, 828, 830, 1127

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NELSON, BEVERLY J.—Representative **Marshall** County

Amendments filed—367-368, 593, 1001, 1002, 1129, 1609, 1643-1644
 Amendments offered—98, 367, 789, 1260, 1381, 1389, 1391, 1625, 1627, 1643
 Amendments withdrawn—1255, 1391
 Appointed to the Commission on Children, Youth, and Families—29
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 Explanation of vote—384, 604, 730, 1927
 Leave of absence—681, 1894
 Presided at sessions of the House—713
 Report—2
 Resolutions offered—65, 629, 1730
 Subcommittee assignments—49, 72, 78, 87, 110, 260, 301, 342, 465, 481, 495, 591, 629, 778, 782, 829, 890

NELSON, LINDA—Representative **Pottawattamie** County

Amendments filed—135, 146, 147, 306, 423, 593, 631, 671, 672, 673, 806, 832, 955, 956, 1002, 1003, 1283, 1402, 1610, 1732, 1766, 1959-1998

Amendments offered—227, 318, 601, 618, 703, 847

Amendment withdrawn—713

Bills introduced—52, 95, 239, 291, 292, 295, 334, 337, 395, 439

Committee appointments—53, 2180

Explanation of vote—947

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Resolutions offered—31, 629, 1730

Subcommittee assignments—72, 78, 151, 301, 372, 387, 481, 495, 591, 629, 923

NUTT, RONALD W.—Representative **Woodbury** County

Amendments filed—670, 671, 673, 780, 804, 894, 954, 1129, 1281, 1403, 1451, 1705-1715, 1732, 1758-1759

Amendments offered—1008, 1458, 1526, 1552, 1601, 1705, 1758

Amendments withdrawn—1458, 1758

Bills introduced—85, 95, 97, 118, 292, 295

Leave of absence—880, 895

Resolutions offered—333, 669, 1730

Subcommittee assignments—50, 64, 88, 115, 125, 260, 289, 301, 302, 372, 387, 430, 465, 606, 607, 668, 829

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O'BRIEN, MICHAEL J.—Representative **Boone-Greene** Counties

Amendments filed—135, 146, 147, 238, 297, 519, 608, 670, 673, 806, 832, 833, 954, 955, 956, 1003, 1283, 1451, 1507, 1731

Amendments offered—296, 297

Amendments withdrawn—283, 532, 611, 849

Bills introduced—11, 12, 52, 95, 97, 148, 264, 291, 292, 315, 334, 395

Committee appointments—53, 462-463

Leave of absence—79, 855, 895

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Resolution offered—1730

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OLLIE, C. ARTHUR—Representative Clinton County

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Amendments offered—255, 256, 257, 709, 882, 1102

Amendments withdrawn—256, 258, 572

Appointed as one of the official delegation to attend the memorial service of the Honorable Jerry Cornelius—15

Appointed to the Ethics Committee replacing former Representative Richard Running—15

Bills introduced—12, 36, 52, 95, 113, 119, 239, 291, 292, 334, 349, 395, 476

Leave of absence—378, 453

Subcommittee assignments—72, 77, 100, 151, 260, 302, 386, 466, 591, 734, 778, 804, 828, 923, 1000, 1128

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Amendments filed—146, 147, 806, 832, 955, 956, 988-989, 1002, 1003, 1283

Amendment offered—988

Appointed to the Committees on Human Resources, Economic Development, Education and Human Services Appropriations Subcommittee—99

Bills introduced—239, 291, 292

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Committee appointment—1630

Explanation of vote—777

Leave of absence—508, 609, 633, 681

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Resolution offered—1730

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PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

- House Concurrent Resolution 28, congress repeal decriminalization of status offenses mandate contained in Federal Juvenile Justice Delinquency Prevention Act of 1974—723, 778. 1996 - 116, 1475 adopted, 1476 msgd. 1996 - S.J. 1280, 1292, 1302, 1319, 1392, 1566, 1567 adopted, 1754 msgd. - H.J. 2098
- House Concurrent Resolution 103, urge France, ban nuclear weapons testing—31,72.
- House Concurrent Resolution 106, federal government acquire lands within drainage districts and pay share of drainage district assessments—75, 88, 110-111.
- House Concurrent Resolution 112, urge congress to authorize construction of Lewis & Clark rural water system—452
- House Concurrent Resolution 113, urge congress, amend relevant law, facilitate the development and approval of new drugs and biologics—469, 1474 w/d.
- House Concurrent Resolution 115, congress remove current obstacles which prevent the transfer of ag. land between family members participating in Iowa's beginning farm loan program (See HCR 120)—501, 606.
- House Concurrent Resolution 120, congress remove current obstacles which prevent the transfer of ag. land between family members participating in Iowa's beginning farmer loan program supported by small issue private activity bonds exempt from federal income taxation (successor to HCR 115)—831
- House Concurrent Resolution 121, support federal efforts to restrict sale and distribution of tobacco products to protect children—927
- House Concurrent Resolution 125, urge federal government ensure fair and competitive market practices, purchase of livestock from producers by packers and livestock buyers—1537, 1737 adopted & msgd. - S.J. 1436, 1457, 1510.
- House Resolution 104, urge U.S. government reassess its policy relating to dispute between the People's Republic of China and the Republic of China on Taiwan—629, 644 adopted.
- House Resolution 108, urge United States Senate ratify the Convention on the Rights of the Child—1730
- Senate Concurrent Resolution 107, urge congress to authorize construction of the Lewis and Clark rural water system—S.J. 449, 468, 511, 515, 616 adopted, 619 msgd., 1494 - H.J. 538, 548, 607, 931, 1868 adopted, 1871 msgd.

Senate Concurrent Resolution 109, urge congress to amend relevant law to facilitate the development and approval of new drugs and biologics—S.J. 454, 468, 519, 616 adopted, 619 msgd., 1279 - H.J. 538, 548, 1472 deferred, 1474 adopted, 1476 msgd.

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RANTS, CHRISTOPHER—Representative Woodbury County, Assistant Majority Leader

Amendments filed—549, 593, 630, 631, 674, 876, 894, 953, 954, 1082, 1129, 1281, 1402, 1403, 1451, 1689, 1753-1754, 1959-1998

Amendments offered—633, 876, 981, 991, 1572, 1646, 1841

Amendments withdrawn—676, 772, 936, 1646

Appointed to the College Student Aid Commission—29

Appointment announced (as Acting Speaker)—1596

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Leave of absence—334, 353, 411, 471

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RENKEN, BOB—Representative Butler-Grundy Counties, Assistant Majority Leader

Amendments filed—593, 735, 1731, 1732

Amendment offered—770

Bills introduced—52, 66, 119, 295, 453

Committee appointment—1606

Presided at sessions of the House—993, 1756, 2110, 2123

Resolutions offered—333, 1772

Subcommittee assignments—49, 62, 63, 71, 72, 73, 87, 110, 115, 126, 144, 145, 151,
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Referred to committee:

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House Concurrent Resolution 106—75
House Concurrent Resolution 108—127
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Senate Concurrent Resolution 116—1081

Withdrawn:

House Concurrent Resolution 104—68
House Concurrent Resolution 107—107

House Concurrent Resolution 113—1474

Resolutions adopted, not otherwise printed in the journal—2641-2668

RULES—

Motions to suspend:

House Joint Resolution 2003, H-5027—247

House Joint Resolution 2003, H-5038—249

House File 2111, H-5039—284

House File 2165, H-5065—319

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House File 2181, H-5077—338

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House File 2416, H-5152—531

House File 2436, H-5262—810

House File 2477, H-5341—721

Senate File 2195, H-6028—1768

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Senate File 2443, H-5451—878

Senate File 2443, H-5469—881

Senate File 2446, H-5663—1097

Senate File 2446, H-5535 to H-5482—1108

Senate File 2446, H-5629 to H-5482—1115

Senate File 2446, H-5637 to H-5482—1118

Senate File 2446, Conference Committee Report, Rule 39A—1857

Senate File 2448, H-5717 to H-5541—1250

Senate File 2448, H-5791 to H-5541—1271

Senate File 2448, H-5541—1272

Rule 31.8 (first reading, commitment and amendment):

Senate File 2063, H-5110—424

Senate File 2066, H-5098—398

Rule 39A (consideration of conference committee reports):

Senate File 2446—1857

Lost:

House Joint Resolution 2003, H-5027—248

House Joint Resolution 2003, H-5038—250

House File 2111, H-5039—285

House File 2165, H-5065—320

House File 2181, H-5077—338

House File 2181, H-5076—339

House File 2416, H-5152—532

House File 2477, H-5341—722

Senate File 2206, H-5532—2110

Senate File 2443, H-5451 to H-5419—879

Senate File 2443, H-5469 to H-5419—881

Senate File 2446, H-5663 to H-5482—1097

Senate File 2446, H-5535 to H-5482—1109

Senate File 2446, H-5629 to H-5482—1115

Senate File 2446, H-5637 to H-5482—1118

Senate File 2448, H-5717 to H-5541—1251

Senate File 2448, H-5791 to H-5541—1272

Rule 31.8 (first reading, commitment and amendment):

Senate File 2066, H-5098—402

Prevailed:

House File 2165, H-5066 as amended—322

House File 2436, H-5262—811

Senate File 2195, H-6028—1768

Senate File 2448, H-5541—1273

Rule 31.8 (first reading, commitment and amendment):

Senate File 2063, H-5110—426

Pursuant to Rule 31.7 (first reading, commitment and amendment):

Senate Joint Resolution 1—89

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Pursuant to Rule 31.8 (first reading, commitment and amendment):

House File 2449, H-5409—773

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Pursuant to Rule 39A (consideration of conference committee reports):

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Rules Invoked:

Rule 32 (commitment of appropriations and revenue bills):

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Rule 39A (consideration of conference committee reports):

Conference committee reports—1857

Senate File 2443—2098

Rule 75 (duty of voting):

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House File 2114, H-5079—419

House File 2114, motion to override veto—2072

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House File 2298, H-5803—1317

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Senate File 2409, H-5790 to H-5600—1386
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Senate File 2446, H-5513 to H-5482—1071
Senate File 2446, H-5536B to H-5482—1077
Senate File 2446, H-5564 to H-5482—1099
Senate File 2446, H-5535 to H-5482—1108
Senate File 2446, H-5618 to H-5482—1111
Senate File 2446, H-5637 to H-5482—1118
Senate File 2448, H-5717 to H-5541—1250
Senate File 2448, H-5791 to H-5541—1271
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Senate File 2449, H-5653 to H-5523—1038
Senate File 2449, H-5662 to H-5523—1042

Rules suspended:

Daily debate calendar—1124, 1399
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House File 2477—698
House File 2494—1578
House File 2495—1776
Senate File 2030—120
Senate File 2157—1572
Senate File 2366—1738
Senate File 2375—1086
Senate File 2443, conference committee report—2098
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Senate File 2467—1723
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House File 2416—532

House File 2477—698

Senate File 2375—1086

Rule 57 (committee notice and agenda):

Committee meetings—11

Committee on Appropriations meetings—2098

Committee on Commerce-Regulation (H.F. 2499)—1686

Rule 63 and 65 (committee of the whole):

Discussion on IPERS—644-645

Rule 76 (limitations on right to vote):

House File 569—1577

House File 2111—286

House File 2114—143

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House File 2458—640, 1752, 1946

RUNNING, RICHARD V.—Representative **Linn County**, Assistant Minority Leader
Communication from (resignation)—1-2

SALTON, BILL—Representative **Clay-Kossuth-Palo Alto Counties**

Amendments filed—673, 833, 874, 955, 1002, 1281

Amendments offered—983, 1286, 1297

Appointed to the Renewable Fuels and Coproducts Advisory Committee—31

Bills introduced—97, 119, 264, 292, 453

Explanation of vote—305

Leave of absence—1407

Presented to the House Shauna Donovan, 1996 Miss Shamrock—738

Presented to the House, John Browne, T.D., County Clare, Ireland member of the Irish Parliament—738

Resolution offered—75

Subcommittee assignments—50, 88, 301, 342, 387, 431, 447, 481, 482, 778, 828, 890

SCHRADER, DAVID—Representative **Marion-Warren Counties**, Minority Leader

Addressed the House—8, 2165-2166

Amendments filed—146, 147, 238, 630, 631, 671, 672, 673, 811, 875, 927, 954, 955, 956, 1003, 1283

Amendments offered—811, 875, 912, 1071

Amendments withdrawn—657, 994

Bills introduced—12, 52, 95, 159, 239, 291, 292, 334, 439, 1123, 1407, 1686, 1926

Certify oath of office to Representative-elect Todd Taylor—3

Committee appointments—98

Presentation of certificates of excellence to House Pages—1882

Remarks by—8, 2165-2166

Resolutions offered—4, 629

Withdrew his objection to the withdrawal of committee amendment H-5683 to S.F. 2195—1762

Special presentation to House pages—492-493,1882

SCHULTE, LYNN S.—Representative Johnson-Linn Counties

Amendments filed—549, 1690, 1732

Amendments offered—557, 1645

Bills introduced—86, 97, 119, 155, 264, 292, 295, 376, 453

Committee appointment—1277

Leave of absence—1384

Presented to the House the Honorable Emil Novak former member of the House—1504

Presided at sessions of the House—76

Report—2073-2081

Resolutions offered—333, 1729, 1730

Subcommittee assignments—49, 50, 83, 84, 88, 92, 109, 126, 162, 289, 301, 302, 312, 386, 387, 405, 432, 447, 606, 607, 629, 734, 778, 828, 890, 923, 929

SEATS—

Assignments of seats in press gallery—61-62, 99, 149

SECRETARY OF STATE, Paul D. Pate

Certificate of election—2, 97

Resolution sent to—1278

SEVENTY-SIXTH GENERAL ASSEMBLY—

(See GENERAL ASSEMBLY—HOUSE)

SHOULTZ, DON—Representative Black Hawk County

Amendments filed—146, 147, 352, 398-402, 536, 630, 631, 670, 671, 672, 673, 674, 716-717, 780, 804, 805, 806, 832, 833, 955, 956, 1002, 1003, 1050-1051, 1082, 1083, 1129, 1267, 1283, 1508, 1538, 1629, 1689, 1690, 1724, 1730, 1731, 1732, 1758-1759, 1759, 1959-1998

Amendments offered—270, 536, 659, 707, 710, 716, 1039, 1043, 1109, 1111, 1253, 1340, 1341, 1628, 1629, 1724

Amendments withdrawn—383, 663, 703, 1629, 1759

Appointed to the North American Free Trade Agreement Export and Trade Summit—30

Bills introduced—52, 95, 239, 264, 291, 292, 315, 334, 349, 375, 395, 403, 439, 458, 460

Leave of absence—855, 880, 1388

Resolutions offered—1730, 2066

Subcommittee assignments—62, 63, 72, 83, 88, 144, 162, 260, 289, 302, 341, 430, 431, 495, 607, 734, 829, 923, 1128

- SIEGRIST, BRENT**—Representative **Pottawattamie** County, Majority Leader
 Addressed the House—4-7, 2166-2168
 Amendment filed—593
 Appointed as one of the official delegation to attend the memorial service of the
 Honorable Jerry Cornelius—15
 Bills introduced—101, 158, 314, 441, 1123, 1407, 1686, 1926
 Bills placed on unfinished business calendar—921-922
 Bills rereferred to committees (as Acting Speaker)—944-945
 Explanation of vote—351
 Leave of absence—244, 334, 383, 957, 987, 1611, 1642
 Presented to the House Congressman Jim Nussel—934
 Presented to the House the Honorable Darrell Hanson, former member of the
 House—405
 Presented to the House Troy Davis, coach Dan McCarney and Athletic Director,
 Gene Smith—354
 Presented to the House the Honorable Mike Peterson and the Honorable Bill
 Trent former members of the House—922
 Presided at sessions of the House—128, 349, 2110
 Remarks by—4-7, 2166-2168
 Resolutions offered—4, 135, 333
 Presentation of certificates of excellence to House Pages—1882
- SPEAKER OF THE HOUSE**—Ron J. Corbett, Representative **Linn** County
 Addressed the House—8-10, 2168-2169
 Administered oath of office to Representative-elect Todd Taylor—3
 Announcements—99, 1264, 1266
 Bills referred and rereferred to committees—52, 132, 287, 326, 454, 476, 494, 508,
 897, 928
 Bills signed by—300, 466, 782, 802, 825, 922, 998, 1126, 1278, 1320, 1405, 1447-
 1448, 1595, 1608, 1638, 1686, 1860, 1880, 1927, 1930, 1933, 2064, 2170, 2173
 Committees appointed by—3, 15, 38, 53, 98, 2180
 Committee appointment—46
 Communications from governor—1-2, 2180-2181
 Conference committees appointed—1124, 1277, 1454, 1692, 1883-1884, 1926, 1932,
 2098
 Final adjournment—2181
 Final adjournment, 1996 Regular Session of the Seventy-sixth General Assembly,
 Senate Concurrent Resolution 126—S.J. 1596, 1597 adopted & msgd. - H.J.
 2169 adopted, 2170 msgd.
 Interim appointments—15, 29-31
 Leave of absence—226, 551, 987, 1409
 Presentation of visitors—15, 82, 287, 385, 494, 922, 998, 1126, 1279, 1321, 1595,
 1688, 1771-1772, 1916-1917, 1928
 Presided at sessions of the House—1, 36, 37, 38, 46, 51, 52, 61, 79, 92, 96, 101, 112,
 131, 136, 141, 166, 264, 267, 268, 285, 307, 314, 324, 334, 336, 337, 353, 375, 380,
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957, 972, 975, 994, 1004, 1013, 1050, 1052, 1056, 1073, 1084, 1087, 1093, 1111, 1261, 1264, 1284, 1307, 1314, 1318, 1324, 1404, 1452, 1480, 1509, 1539, 1578, 1649, 1691, 1756, 1770, 1857, 1863, 1868, 1882, 1888, 1895, 1919, 1925, 1926, 1929, 1931, 1932, 1936, 1949, 2067, 2073, 2096, 2097, 2098, 2105, 2146, 2152, 2154, 2172

Remarks by—8-10, 2168-2169

Resolution offered—629

Resolution relating to:

House Concurrent Resolution 101, condition of the state and budget message—3-4 adopted & msgd. - S.J. 9 adopted, 22 msgd., 28 - H.J. 37.

Rulings made—284, 382, 383, 475, 1097, 1114, 1118, 1263, 1264, 1271, 1521, 1694, 2098

Special presentation to House Pages—492-493, 1882

SPEAKER PRO TEMPORE, Harold G. Van Maanen—Representative Mahaska-Marion Counties

(See VAN MAANEN, HAROLD G.—Representative Mahaska-Marion Counties, Speaker Pro Tempore)

SPECIAL COMMITTEES—

(See COMMITTEES, SPECIAL)

SPECIAL ORDER—

Special order calendar—119, 124

SPECIAL PRESENTATION—

Pioneer String Quartet—112

Representative Bell presented to the House a delegation from Smila, Ukraine—136

Representative McCoy presented fifteen students from Moscow, Russia—240

Representative Kremer presented to the House General Raymond G. Davis of Stockbridge, Georgia—295

Representative Nelson of Pottawattamie presented members of "Leadership Council Bluffs"—305

Representative Bell presented to the House James C. Chen, Defacto Counsel-General Taipei Economic and Cultural Office of the Republic of China on Taiwan in Chicago—308

Representative Siegrist presented to the House from Iowa State University, Troy Davis, coach Dan McCarney and Athletic Director, Gene Smith—354

House pages—492-493, 1882

Representative Holveck presented winners of "Write Women Back into History" essay contest—603-604

Representative Salton presented to the House, Shauna Donovan, 1996 Miss Shamrock—738

Emmetsburg Irish Dancers—738

Representative Salton presented to the House, John Browne, T.D., County Clare, Ireland, a member of the Irish Parliament—738-739

- Representative Siegrist presented to the House, Congressman Jim Nussel—934
 Representative Grundberg presented to the House, Congressman Greg Ganske—957
 Representative Nelson of Pottawattamie presented to the House Brian Heithoff and Joseph Reid, Gunn Elementary School, Council Bluffs—1054
 Representative Churchill presented to the House a delegation from Iowa's sister state Stavropol, Krai—1317
 Speaker pro tempore Van Maanen presented to the House Jill Verhey, Queen of the 1996 Tulip Festival—1471
 Representative Coon presented to the House John Banzhof, Executive Director of Action on Smoking and Health (ASH)—1522
 Representative Grubbs presented to the House Jane Boffeli, teacher at Fulton Elementary School in Dubuque—1532
 Representative Burnett presented to the House, Iowa State Cyclones Men's Basketball Coach, Tim Floyd—1588
 Representative Carroll presented to the House his mother, Mrs. Joyce Carroll of Spencer, Indiana—1598
 Representative Doderer presented to the House U of I Women's Basketball Coach, Angie Lee—1757
 Presentation to retiring members and leaders—1949-1950

SPONSORS—

Added:

- House Concurrent Resolution 116—Representative Holveck—503
- House File 2063—Representative Warnstadt—113
- House File 2101—Representative Mundie—132
- House File 2147—Representative Harrison—259
- House File 2222—Representative Kremer—404
- House Resolution 111—Representative Brand—2063

Withdrawn:

- House Joint Resolution 2003—Representative Main—150
- House File 2472, H-5282—Representative Mundie—645

ST. PATRICK'S DAY OBSERVANCE—738-739

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(Richard D. Johnson, Chairman)

Claims approved—184-224

Claims disapproved—167-183, 624-627, 1607-1608

Communications from, stating claims filed with—166, 624-627

STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—146, 437, 501, 669, 927

Amendments offered—293, 641, 1296, 1310, 1778, 2108

Bills introduced—305, 315, 353, 471, 477, 524

Recommendations—111, 116, 146, 304, 332, 347, 436-437, 469, 500, 669, 831, 925-926

Subcommittee assignments—48, 49, 50, 71, 72, 73, 92, 93, 100, 109, 110, 126, 144, 145, 162, 163, 234, 260, 289, 302, 328, 387, 430, 431, 432, 465, 504, 516, 546, 606, 607, 668, 777, 782, 890, 891

STATE OF THE STATE AND BUDGET MESSAGES—

Delivered by Governor Terry E. Branstad—39-45

Resolution relating to, HCR 101—3-4 adopted & msgd. - S.J. 9 adopted, 22 msgd., 28 - H.J. 37.

STATUS OF WOMEN, COMMISSION ON THE—

Appointment to—29

STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—115, 126, 373, 407, 467

Appropriations—47, 110, 234, 235, 236, 407, 448, 467, 496, 516, 591, 924, 1450

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Economic Development—234, 236, 262, 290, 407

Education—134, 153, 164, 262, 391, 407, 467

Environmental Protection—234, 235, 389, 433, 434

Human Resources—88-89, 115, 145, 152, 164, 303, 312, 389, 433, 448, 496

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Local Government—234, 303, 312, 330, 373, 389, 390, 434, 467, 484

Natural Resources—164, 329, 345

State Government—93, 115, 153, 306, 390, 407, 448

Technology—152, 329, 330, 373

Transportation—64, 65, 115, 134, 153, 262, 303, 329, 407, 433, 435, 496

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STUDY BILLS SUBCOMMITTEE ASSIGNMENTS—

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STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 126—1597

House Concurrent Resolution 127—1641

House Concurrent Resolution 131—2066

SUBCOMMITTEE ASSIGNMENTS—

Assigned—48-50, 62-64, 71-73, 77-78, 83-84, 87-88, 92-93, 100, 109-110, 115, 125-126, 133, 144-145, 151, 162-163, 234, 260, 289, 301, 302, 312, 328, 341-342, 351,

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Reassigned—48, 49, 50, 62, 63, 64, 71, 72, 73, 77, 83, 87, 92, 110, 115, 430, 447, 465, 481, 668

SUKUP, STEVEN E.—Representative Franklin-Hardin Counties

Amendments filed—263, 348, 366-367, 424, 592, 607, 735, 894, 1081, 1281, 1482, 1731, 1840-1841

Amendments offered—364, 366, 835, 897, 1093, 1291, 1482, 1840

Amendments withdrawn—850, 1840

Bills introduced—97, 119, 128, 264, 292, 307, 315, 335, 393, 395, 411

Committee appointment—1883-1884

Explanation of vote—997

Presided at sessions of the House—315

Report—1999-2001

Resolutions offered—50, 333, 1730

Subcommittee assignments—62, 109, 151, 312, 387, 668, 1401

SUPREME COURT OF IOWA—

(Chief Justice Arthur A. McGiverin)

Delivered the Condition of the Judicial Department's Message—54-60

Resolution relating to, HCR 102—4 adopted & msgd. - S.J. 9, 21, 22 adopted & msgd. - H.J. 37.

TAYLOR, TODD—Representative Linn County

Amendments filed—146, 147, 238, 630, 670, 671, 672, 673, 735, 806, 832, 954, 955, 1003, 1283, 1690, 1881

Amendments offered—720, 1385

Appointed to the State Government, Labor and Industrial Relations and Appropriations Committees replacing the former Representative Richard Running—15

Bills introduced—52, 95, 158, 239, 291, 292, 349, 395

Leave of absence—131, 1509, 1611

Oath of office—3

Subcommittee assignments—48, 49, 50, 62, 109, 260, 312, 430, 606, 782, 1401

TECHNOLOGY, COMMITTEE ON—

Bill introduced—411

Recommendations—409, 926

Subcommittee assignment—804

TEIG, RUSSELL W.—Representative Franklin-Hamilton-Hardin-Wright Counties

Amendments filed—726-727

Appointed to the Center for Rural Health and Primary Care—29

Bills introduced—91, 94, 97, 119, 158, 264, 292, 295, 307, 315, 335, 377, 392, 440, 441, 453
 Committee appointments—38, 1124
 Explanation of vote—825, 2170
 Leave of absence—521, 807, 1863
 Resolutions offered—50, 333
 Subcommittee assignments—72, 83, 87, 88, 144, 465, 481, 929

THOMSON, ROSEMARY—Representative Linn County

Amendments filed—630, 671, 1690
 Amendment offered—809
 Bills introduced—52, 76, 97, 119, 264, 292, 295, 440
 Committee appointments—3, 1380
 Leave of absence—1611, 1648
 Resolutions offered—333, 1730
 Subcommittee assignments—72, 92, 93, 109, 110, 145, 234, 342, 606, 777, 891

TRANSPORTATION, COMMITTEE ON—

Amendments filed—894, 927
 Amendments offered—1294, 1297
 Bills introduced—125, 336, 411, 422, 454, 458, 502, 522, 523, 551
 Recommendations—84, 116-117, 332-333, 409, 451-452, 486-487, 500, 507, 519, 734, 893, 926-927
 Subcommittee assignments—49, 50, 72, 92, 110, 144, 260, 301, 342, 431, 465, 466, 481, 482, 828

TYRRELL, PHIL—Representative Benton-Iowa Counties

Amendments filed—127, 135, 263, 424, 593, 672, 735, 1002, 1323, 1403, 1538, 1597, 1641, 2110
 Amendments offered—771, 2108, 2110
 Amendments withdrawn—242, 244
 Bills introduced—12, 66, 85, 118, 119, 148, 155, 166, 264, 292, 295, 335, 404, 438, 439, 574
 Leave of absence—1050
 Presided at sessions of the House—308
 Resolutions offered—154, 333, 1730
 Subcommittee assignments—48, 49, 50, 71, 72, 93, 110, 144, 162, 289, 302, 387, 430, 431, 447, 465, 504, 546, 891

UNFINISHED BUSINESS CALENDAR—

325, 378, 444, 541, 620, 696, 793, 809, 921, 922, 1077, 1125, 1307, 1318, 1472, 1716, 2068, 2110

VAN FOSSEN, JAMES—Representative Scott County

Amendments filed—374, 674, 779, 1403, 1731, 1732

- Amendments offered—510, 910, 911
 - Amendment withdrawn—703
 - Appointed as one of the official delegation to attend the memorial service of the Honorable Jerry Cornelius—15
 - Bills introduced—66, 76, 97, 119, 128, 131, 264, 292, 314, 349, 488
 - Committee appointment—1124
 - Explanation of vote—299, 1447
 - Leave of absence—269, 1381, 1773
 - Presided at sessions of the House—659, 1099
 - Resolutions offered—333, 1597, 1730
 - Rulings made (as Acting Speaker)—661
 - Subcommittee assignments—63, 73, 87, 109, 125, 162, 341, 405, 495, 668, 778, 1127
- VAN MAANEN, HAROLD—Representative Mahaska-Marion Counties, Speaker Pro Tempore
- Amendments filed—142, 630
 - Amendment withdrawn—1262
 - Appointed as one of the official delegation to attend the memorial service of the Honorable Jerry Cornelius—15
 - Appointed to the Committee on Education, Human Resources and Economic Development—99
 - Announcements (as Acting Speaker)—981, 1092, 1380, 1393, 1606, 1630, 1633, 1843
 - Bills introduced—119, 264, 292, 314
 - Bills referred to committees (as Acting Speaker)—489, 664, 893
 - Bills rereferred to committees (as Acting Speaker)—161, 371, 384, 802, 920, 945
 - Committee appointments—99, 1926, 2098
 - Leave of absence—453, 521
 - Presentation of visitors (as Acting Speaker)—311, 405, 446, 480, 665, 731, 802-803, 826, 890, 1400-1401, 1448, 1608, 1640, 1728, 1880, 1930
 - Presented to the House Jill Verhey, Queen of the 1996 Pella Tulip Festival—1471
 - Presided at sessions of the House—66, 68, 85, 91, 118, 120, 125, 141, 148, 155, 158, 159, 226, 239, 241, 291, 295, 296, 309, 318, 320, 336, 362, 364, 370, 378, 379, 392, 403, 411, 417, 421, 426, 438, 444, 472, 476, 488, 632, 644, 645, 647, 663, 675, 687, 696, 699, 716, 756, 784, 799, 807, 812, 820, 834, 869, 885, 901, 920, 933, 935, 959, 976, 979, 1022, 1091, 1092, 1103, 1130, 1166, 1250, 1306, 1307, 1325, 1365, 1381, 1393, 1407, 1410, 1454, 1484, 1566, 1598, 1611, 1629, 1642, 1702, 1718, 1723, 1733, 1738, 1773, 1776, 1777, 1843, 1870, 1880, 1888, 1924, 1929, 1931, 1945, 1950, 2044, 2068, 2108
 - Reports—1933, 1937-1945
 - Rulings made (as Acting Speaker)—246, 247, 249, 250, 319, 321, 717, 720, 721, 810, 878, 880, 881, 882, 902, 1108, 1110, 1250, 1335, 1622, 1720, 1857, 1858, 2061, 2068, 2109
 - Special order calendar (as Acting Speaker)—119, 120
 - Subcommittee assignments—110, 162, 301, 481

VANDE HOEF, RICHARD—Representative Lyon-O'Brien-Osceola-Sioux Counties

Amendments filed—135, 452, 549, 608, 780, 804, 805, 833, 893, 953, 955, 1508, 1597, 1609, 1641, 1690, 1731, 1732, 1758-1759, 2066

Amendments offered—490, 1694, 1696, 1697, 2146

Amendments withdrawn—1694, 1697, 1758

Bills introduced—37, 66, 119, 264, 265, 292, 295, 375, 394, 439

Leave of absence—563

Resolutions offered—333, 452, 1729, 1730

Subcommittee assignments—63, 234, 312, 341, 342, 430, 481, 778

VEENSTRA, KEN—Representative Sioux County

Amendments filed—1281, 1403, 1732

Amendment offered—1133

Amendment withdrawn—1472

Bills introduced—97, 119, 292, 376, 453

Committee appointment—1630

Explanation of vote—114, 327, 665

Leave of absence—101

Presided at sessions of the House—502

Report—1733-1735

Resolution offered—1730

Subcommittee assignments—50, 62, 63, 72, 77, 78, 83, 84, 88, 92, 109, 162, 289, 301, 312, 372, 386, 430, 431, 432, 447, 465, 481, 482, 606, 607, 629, 734, 778, 828, 829, 890, 923

VISITORS—

Presentation of—15, 82, 287, 311, 385, 405, 446, 480, 494, 546, 589-590, 604, 627, 665, 731, 802-803, 826, 890, 922-923, 998, 1079, 1126, 1279, 1321, 1400-1401, 1448, 1504-1505, 1537, 1595, 1608-1609, 1640, 1688, 1728, 1771-1772, 1880, 1916-1917, 1928, 1930

VOTES—

Non-record—244, 269, 270, 281, 338, 339, 362, 402, 426, 462, 568, 583, 649, 695, 717, 724, 756, 800, 851, 869, 882, 884, 907, 982, 983, 987, 989, 993, 1048, 1050, 1099, 1264, 1294, 1306, 1316, 1317, 1318, 1331, 1341, 1390, 1412, 1492, 1498, 1570, 1593, 1622, 1628, 1644, 1724, 1725, 1753, 1760, 1768, 1924, 1932, 1946, 2061, 2110

Record—160, 243, 247, 249, 256, 257, 276, 281, 282, 284, 297, 319, 321, 322, 368, 369, 419, 426, 427, 530, 531, 535, 563, 564, 572, 578, 580, 581, 583, 584, 648, 650, 652, 653, 655, 656, 657, 658, 695, 704, 706, 707, 709, 712, 713, 715, 718, 721, 722, 727, 766, 791, 810, 811, 812, 813, 870, 873, 875, 878, 881, 883, 900, 973, 974, 984, 994, 1021, 1038, 1042, 1051, 1052, 1071, 1073, 1074, 1076, 1077, 1087, 1089, 1092, 1097, 1099, 1103, 1108, 1110, 1111, 1115, 1118, 1119, 1120, 1121, 1250, 1251, 1252, 1254, 1258, 1265, 1267, 1271, 1272, 1273, 1340, 1383, 1385, 1386, 1387, 1389, 1391, 1395, 1397, 1442, 1495, 1496, 1497, 1498, 1586, 1636, 1724, 1767, 1768, 1834, 1839, 1857, 1858, 1877, 2001, 2143

Quorum call—141, 242, 296, 336, 379, 462, 541, 573, 587, 647, 698, 756, 855, 933, 975, 1056, 1091, 1308, 1365, 1480, 1578, 1649, 1718, 1756, 1762, 1868, 1870, 1888, 1925, 1949, 1950, 2097

WARNSTADT, STEVE—Representative **Woodbury** County

Amendments filed—135, 146, 147, 238, 423, 549, 671, 672, 673, 806, 832, 833, 882-883, 894, 1002, 1003, 1281, 1402, 1610, 1726, 1766, 1836-1839, 1917, 2125-2126

Amendments offered—137, 564, 584, 724, 882, 1724, 1836, 2125

Amendments withdrawn—577, 728, 1341, 1726

Bills introduced—11, 52, 85, 95, 97, 239, 264, 291, 292, 295, 334, 335, 349, 461, 462, 493, 502

Committee appointment—1692

Leave of absence—933

Petition presented—834

Report—2044-2061

Requested his name be added as a sponsor to House File 2063—113

Resolutions offered—89, 333, 669, 1772

Subcommittee assignments—49, 50, 77, 78, 92, 301, 465, 495, 591, 778, 782

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—117, 165, 1508, 1690

Amendments offered—120, 1599

Bills introduced—119, 158, 159, 264, 421, 422, 503, 521, 774, 802, 957, 1091, 1123, 1130, 1399, 1404, 1452, 1509, 1718

Recommendations—117, 165, 263, 347-348, 437, 501, 779, 931, 953, 1128-1129, 1401-1402, 1507, 1689

Subcommittee assignments—63, 87, 88, 110, 125, 126, 162, 341, 342, 430, 495, 628, 668, 929, 1127, 1128, 1406, 1506, 1688

WEIDMAN, DICK—Representative **Cass-Montgomery-Pottawattamie** Counties, Assistant Majority Leader

Amendments filed—630, 1731

Amendment offered—616

Bills introduced—264, 292, 295, 376

Petitions presented—1130, 1284

Presided at sessions of the House—710

Resolution offered—333

Subcommittee assignments—49, 50, 72, 84, 88, 92, 234, 260, 289, 387, 388, 431, 465, 466, 481, 607, 828

WEIGEL, KEITH—Representative **Chickasaw-Howard-Winneshiek** Counties

Amendments filed—70, 146, 147, 165, 304, 410, 469, 520, 542-543, 593, 630, 669, 671, 672, 673, 735, 780, 805, 832, 954, 955, 956, 987, 1002, 1003, 1040-1042, 1081, 1082, 1083, 1103, 1129, 1283, 1402, 1403, 1451, 1507, 1508, 1589, 1597, 1689, 1730, 1731, 1766, 1886, 1887, 2125-2126, 2127

Amendments offered—70, 269, 474, 542, 599, 662, 695, 719, 783, 986, 987, 989, 1040, 1101, 1102, 1112, 1251, 1252, 1260, 1589, 1766, 1886, 2127

- Amendments withdrawn—269, 283, 474, 634, 882, 1102, 1103, 1121, 1253, 1265, 1694, 1760, 1887
- Bills introduced—52, 95, 239, 292, 334, 395, 472, 476
- Committee appointment—1380
- Explanation of vote—385, 947
- Leave of absence—101, 353, 378, 1598
- Petition presented—834
- Reports—10, 79, 125, 1447, 1591-1593
- Resolutions offered—501, 2066
- Subcommittee assignments—71, 87, 126, 289, 341, 342, 387, 495, 606, 669, 929
- WELTER, JERRY J.—Representative Jones-Linn Counties**
- Amendments filed—932, 1403, 1690
- Amendments offered—1294, 1456
- Appointed to the Functional Classification Review Board—30
- Bills introduced—76, 96, 119, 264, 295, 395, 439
- Resolutions offered—1729, 1730, 2172
- Subcommittee assignments—63, 234, 301, 341, 387, 388, 481, 482, 778, 828
- WISE, PHILIP—Representative Henry-Lee Counties**
- Amendments filed—135, 146, 147, 238, 263, 281, 550, 572, 630, 670, 672, 673, 735, 806, 832, 833, 869-870, 874, 955, 956, 1002, 1003, 1050-1051, 1129, 1283, 1403, 1587-1588, 1732
- Amendments offered—281, 571, 572, 705, 869, 872, 1018, 1050, 1587
- Amendments withdrawn—277, 869, 872
- Appointed to the North American Free Trade Agreement Export and Trade Summit—30
- Bills introduced—95, 155, 291, 349, 350
- Committee appointments—1124, 2098
- Leave of absence—353, 438, 1257, 1384
- Reports—1933, 2083-2096
- Resolution offered—127
- Subcommittee assignments—71, 78, 87, 115, 125, 669, 777, 778, 804, 1506
- WITT, WILLIAM G.—Representative Black Hawk County**
- Amendments filed—146, 147, 238, 352, 550, 631, 671, 672, 673, 735, 780, 804, 805, 806, 832, 833, 954, 955, 956, 980, 981, 986, 1002, 1003, 1082, 1083, 1129, 1283, 1689, 1690, 1730, 1731, 1732, 1758-1759, 1959-1998, 2066
- Amendments offered—244, 620, 647, 713, 767, 772, 980, 985, 986, 1092, 1105, 1304
- Amendment withdrawn—1758
- Bills introduced—52, 66, 95, 119, 239, 241, 264, 375, 392, 395, 403, 457, 458, 471, 472
- Committee appointment—1932
- Resolution offered—1730
- Subcommittee assignments—50, 72, 162, 289, 481, 607, 629, 829, 830